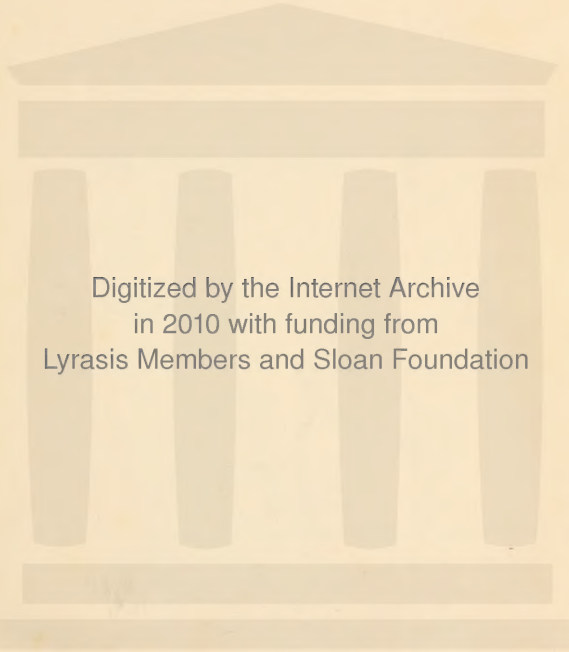


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THE
STATUTES AT LARGE

OF

SOUTH CAROLINA;

EDITED, UNDER AUTHORITY OF THE LEGISLATURE,

BY

THOMAS COOPER, M. D.—L. L. D.



VOLUME FIFTH,

CONTAINING THE ACTS FROM 1786, EXCLUSIVE, TO 1814, INCLUSIVE.

ARRANGED CHRONOLOGICALLY.



COLUMBIA, S. C.
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1839.

STATEMENTS AT LARON

JAMES H. HARRIS

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P R E F A C E .

In March, DR. COOPER becoming too ill to attend to the publication of the Statutes at Large, I was desired by him to superintend the work. By the Resolution of the Legislature of 1835, MR. GREGG, MR. DESAUSURE and myself, were appointed Commissioners to advise and consult with DR. COOPER in contracting for and superintending the publication of the Statutes. A contract was entered into with MR. JOHNSTON, of Columbia, for the publication of the work, which was reported to the House, by the Committee on the Judiciary, in December, 1836, and confirmed by both Houses. On DR. COOPER's application, I immediately consulted with MR. GREGG and MR. DESAUSURE, in relation to the work, and as they declined to undertake it themselves, on account of their constant professional engagements, with their kind commendations, and that of the Speaker and Solicitors of the State, and approbation of his Excellency Governor NOBLE, I undertook the responsibility of the work. In this undertaking I have felt in the highest degree the delicacy of succeeding so eminent a person in a work of so much importance, and the care and diligence due to it, to render it equal to expectation in usefulness, and honorable to the commonwealth, as a measure worthy of the enlarged views of a State long distinguished for its liberality towards its public institutions. A liberality which her intelligent citizens cannot but consider as happily repaid by an excellent judiciary and a flourishing institution for the education of her sons.

After the death of DR. COOPER, I received from his Excellency the following appointment :

EXECUTIVE DEPARTMENT, }
Columbia, 28th May, 1839. }

In consequence of the death of THOMAS COOPER, M D., who was appointed under a Resolution of the Legislature, to compile and digest the Statute Laws of South Carolina, with a digested index thereof, the said office has become vacant :—

Now, in pursuance of the power vested in me, I have appointed, and by these presents do appoint D. J. McCORD, Esq. to continue and complete the said work, according to the directions of the Legislature, and under the advice and consultation of the Commissioners named in the Resolution of 1835.

PATRICK NOBLE;

For the index to this volume, I am entirely responsible, and I trust, upon examination, it will be found accurate and full. My intention has been, in case of all general laws, to express in the index every idea contained in the work. Without such an index, a law book can be of no practical use. In digesting the general index to the whole work, no pains shall be spared to render it complete, until the publication of which, the work cannot be brought conveniently into use, nor its utility be fully felt.

The sixth volume, now in the press, I trust will be finished in the fall. That will comprehend all the general laws, including those of the session of 1838. The series of laws respecting Roads, Bridges, Rivers, Ferries, Canals, Incorporated Societies, City of Charleston, Militia, Slaves and Colored population, Courts, Circuits, &c., will remain to be published. It is to be regretted that this classification was adopted. Although one of the committee who gave their approbation to it when proposed, I am now satisfied that the plan was an incorrect one, and altogether impracticable; the loose manner of legislation, which once obtained in this State, admitting into the same Act many matters having no connexion or relation to the main object of the Bill. The rules of the two Houses now forbid this irregularity, and the intelligent officers who now preside, and have presided for some time past, will no doubt continue to enforce them. In no Acts do these irregularities more frequently occur than in those to Raise Supplies and make Appropriations. The present Chairman of the Committee of Ways and Means, MR. MEMMINGER, has set a worthy example in the business like manner in which he has drafted the last of these Acts. The general index, however, will remedy this defect. In bringing all matters together on the same subjects, references can be easily made.

These classified Acts, DR. COOPER at first thought, could be comprehended in one volume, which he continually refers to as the "Last Volume"—a reference which I have kept up, although I think they will make two volumes, which can be finished in the coming year. They, with the general index, will complete the work. A careful examination shall be thoroughly made, to see if any omissions have occurred. For the detection of one omission from the English Statutes made of force, I am indebted to Mr. Speaker WARDLAW. It occurs in the 2nd volume, 546. I mean the Statute of the 9 Ann, ch. 20, Sec. 7, (Grimke, 94,) being "An Act for the amendment of the Law, and the better advancement of justice." The omission seems to have been entirely accidental, as there is a note referring to the Statute at page 753, as being in a preceding part of the volume. Another of the English Statutes, of much less consequence, is omitted in the same volume, at page 512, (Grimke, P. L., 75,) being "An Act to enable Judges and Justices of the Peace to give restitution of possession in certain cases." These, with any others that may be detected, I design to place as an appendix to the 6th volume. Should any errors or omissions occur to the notice of any gentleman, he would greatly oblige me by communicating them to me.

To Mr. Attorney General BAILEY, who has also had the kindness to

express his satisfaction at my appointment, I am indebted for an accurate copy of the "Marriage Settlement Act" of 1785, from the original manuscript, furnished to him by the late THOMAS S. GRIMKE, whose father drafted the Bill. It accounts in a curious manner for the strange mistakes made in engrossing the Act—mistakes which have been the fruitful source of abundant litigation. This I will also publish in the appendix to the 6th volume. The necessity for notes has been much diminished, if not entirely removed, by MR. RICE's excellent Digest of the Law Cases decided in our Appeal Court—a work which must greatly diminish the labour of the profession.

D. J. McCORD.

Columbia, July 31, 1839.

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	*1893	An Act to give the Militia Officers of this State, who have not taken the oath required by the Act of the General Assembly, passed the nineteenth day of December, one thousand seven hundred and ninety-four, in the manner directed by said Act, further time to take the said oath.....	542
	*1894	An Act to appoint Commissioners to assess such parts of lots of land in Charleston as are necessary to widen Market-street, and to permit the City Council to enjoy the same as a public street, on payment of the sum assessed as compensation.....	542
	1895	An Act for the relief of Jesse Roundtree and others, owners of Mill Dams on Horse Creek.....	542
	*1896	An Act to authorize the different Boards of Commissioners of Roads throughout the State to have the fines and other monies due, or which may hereafter be due, to the said Boards of Commissioners (and heretofore collected by Constables) collected by Sheriffs.....	543
	1897	An Act to add John Simpson to the present number of Justices of the Peace for Charleston District.....	543
	*1898	An Act explanatory of former Acts relative to the mode of determining the seniority of Officers in the Militia of this State; and for other purposes therein mentioned.....	544
	1899	An Act to change the name of John Cottingham to that of John Ridgel.....	544
	*1900	An Act to incorporate the Union Insurance Company.....	544
	1901	An Act to mark and define the lines of division between the Districts of Newberry and Laurens, and the Districts of Horry and Georgetown, and appoint Commissioners therein mentioned.....	544
	1902	An Act to alter the dividing line between Lexington and Orangeburgh Districts.....	545
	1903	An Act to increase the compensation of the Members of the Legislature, by Act.....	546
	*1904	An Act to incorporate the Beauport Library Society, and also the Newberry Library Society.....	546
	1905	An Act to legalize titles to real property derived from or through Aliens, and to enable Aliens, under certain conditions therein mentioned, to hold, convey and devise real property.....	546
	1906	An Act authorizing the Trustees of the Newberry Academy, and the Independent Society thereof, to erect a building to be used as a school by way of Lottery.....	548
	*1907	An Act for the establishment of Roads, Bridges and Ferries, and for other purposes therein mentioned.....	548
	1908	An Act to raise supplies for the year one thousand eight hundred and seven; and for other purposes therein mentioned.....	549

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1808.	1910	An Act to authorize and direct the Treasurers to receive the Pay Bills of the members of the Legislature and Solicitors for the present session, in payment of taxes, or to pay the same out of the unappropriated monies in the Treasury; and for other purposes therein mentioned.....	563
	*1911	An Act for the better arrangement of the sittings of the Courts of Equity; for the establishment of Courts of Appeal for the same; and for other purposes therein mentioned.....	565
	1912	An Act authorizing the more speedy recovery of Rent; and for other purposes therein mentioned.....	565
	1913	An Act providing for carrying into operation the provisions of an Act amending the Constitution, and introducing a reform in the representation of this State, proposed by the last and ratified by the present Legislature.....	566
	1914	An Act to authorize the citizens of this State, in the several Circuit Districts within the same, to elect, by ballot, the Sheriffs within their several and respective Districts.....	569
	1915	An Act to vest in the Judges of the Courts of Common Pleas the powers appertaining to and exercised by the Courts of Equity, as to the appointment of Guardians, so far as may relate to the right of Minors in any estate to be divided under the Act passed in the year of our Lord 1791; and for other purposes amendatory of the laws.....	570
	*1916	An Act requiring the Major Generals of Militia of this State to cause one uniform system of evolutions to be adopted by the Cavalry within their respective divisions; for perfecting the several officers of Militia throughout this State in their military duty; and for other purposes therein mentioned.....	572
	*1917	An Act to incorporate the South Carolina Homespun Company.....	572
	1918	An Act to make provision by law for any child or children that may be born subsequent to the making and executing the last will and testament of any person, but previous to the decease of such person; and amendatory of the Act abolishing the rights of primogeniture.....	572
	1919	An Act to vest two tracts of land on Edisto Island in the members of the Episcopal Church of Edisto Island.....	573
	1920	An Act for compelling all Masters of Vessels lodging Seamen in the Gaols of the seaport towns, to give security for taking them away, and for their maintenance.....	574
	*1921	An Act to alter and amend "An Act to incorporate Charleston;" and for other purposes therein mentioned.....	574
	1922	An Act to suspend forever the sale of certain Lands therein mentioned.....	574
	1923	An Act to amend an Act entitled "An Act to cede to the United States various Forts and Fortifications, and sites for the erection of Forts," passed the nineteenth day of December, 1805.....	575
	*1924	An Act amending the Charter of the Winyaw Indigo Society; and for other purposes therein mentioned.....	576
	*1925	An Act to incorporate the several Societies therein mentioned.....	576
	1926	An Act to enable the Catawba Indians to make leases of their lands for life or lives, or term of years; and for other purposes therein mentioned.....	576
	1927	An Act to remit the Escheat which has accrued to the State of one moiety of the estate of the late Nicholas Winckler, Jr., deceased, and to vest the same in the sisters of the said Nicholas Winckler, and the issue of such of them as are deceased.....	577
	1928	An Act to correct an error in an Act entitled "An Act to remit an Escheat which has accrued to the State, and to vest the same in the persons therein named.".....	578
	1929	An Act to release the Commissioners of Pendleton County Court, and to vest in the hands of Commissioners the funds which may be due to the said Commissioners, as Commissioners of the said County Court, for the purpose of establishing a Circulating Library.....	578
	1930	An Act to amend an Act entitled "An Act to prevent the damming up Broad, Saluda, Pacolite, Tyger and Enoree rivers, and Stephens's Creek, or other-	

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	wise obstructing the fish from passing up the said rivers; and to oblige such persons who have already dammed or otherwise obstructed the passage of fish in said rivers, to open the said dams or obstructions so as fish may pass," and for other purposes therein mentioned	579
1931	An Act to grant to James W. Cotton the exclusive privilege of running a Stage Coach to and from certain places for a limited time	580
*1932	An Act to establish certain Roads, Bridges and Ferries, therein mentioned	581
1933	An Act to raise supplies for the year one thousand eight hundred and eight; and for other purposes therein mentioned	581
1934	An Act to make appropriations for the year one thousand eight hundred and eight	591
*1935	An Act to legalize the drawing of the Grand Jurors for Charleston; and for other purposes therein mentioned	594
1936	An Act for the apportionment of the Representation among the several Districts of this State	594
*1937	An Act to provide for the more easy and expeditious administration of Justice in the Courts of this State	595
*1938	An Act to alter and amend "An Act to incorporate Charleston," by an equal division of Wards; and directing the representation thereof in City Council to be apportioned on the principle of population and taxation; and for other purposes therein mentioned	596
1939	An Act to diminish the cost of the Attornies, Clerks and Sheriffs, in certain cases at Law therein mentioned	596
*1940	An Act to amend and explain the Militia Laws of this State	596
*1941	An Act to authorize the City Council of Charleston to erect and build, within the enclosure of the city burial ground, lying without the city, on the borders of Ashley river, a substantial brick magazine, for the storing of gun-powder	597
*1942	An Act to incorporate the several Societies therein mentioned, and for other purposes	597
1943	An Act to prevent individuals building or erecting houses or other buildings on the public squares, whereon the gaols and court houses in the several districts are erected; and for other purposes therein mentioned	597
1944	An Act to amend an Act entitled "An Act to prevent the spreading of Contagious Distempers in the State," an also "An Act to amend the law respecting Quarantines"	598
1945	An Act to appoint certain Commissioners for running the line between the Parishes of St James, Goose Creek, and St. George, Dorchester	598
*1946	An Act to incorporate the Presbyterian Church in the Parish of St. Philip's and State of South Carolina	599
1947	An Act to prohibit the sale of Spirituous Liquors, or other articles, at or near the places assigned for divine worship	599
1948	An Act to authorize William Aikins, formerly Sheriff of York County, to make titles to a certain tract of land purchased by Joseph Leech at Sheriff's sale	600
1949	An Act to empower Captain George Grace and others, in the District of Greenville, to establish a Lottery to raise money for the purpose of building a house for public worship; and to empower the vestry and wardens of the Episcopal Church in Georgetown, Winyaw, to establish a Lottery for the purpose of repairing the Episcopal Church in Georgetown, Winyaw	601
*1950	An Act to incorporate the Mount Pleasant Academy, in the Parish of Christ Church, and to enable the trustees to recover a legacy for the education of the poor children of the said Parish	601
*1951	An Act to establish certain Roads, Bridges and Ferries, therein mentioned	601
*1952	An Act authorizing the President and Trustees of the second Presbyterian Church of the city and suburbs of Charleston, to raise, in aid of their funds for the building of a Church, a sum of money by way of Lottery	602
1953	An Act to grant permission to the Honorable Joseph Brevard to leave the State of South Carolina for three months, between the first of May and the first of October, in the year 1810 or 1811	602

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1954	An Act to regulate the place or places for holding general Elections for members of the Legislature, in the election districts in this State, and for repealing all Acts relative thereto.....	602
1955	An Act to establish a Warehouse and Inspection for Tobacco, and for the reception of Cotton and other produce, on the lands of Aaron Ferrel, on Toogaloo river, in the District of Pendleton; and for other purposes.....	603
1956	An Act to change and alter the name of Charles Richardson, of Claremont County, in Sumter District, to that of Charles Rich.....	604
1957	An Act to permit William Gordon to practice Law.....	605
*1958	An Act to alter and amend an Act entitled "An Act to incorporate the Society commonly called and known by the name of the Fellowship Society," passed the 23d day of August, 1769.....	605
*1959	An Act to establish a Company for the inland navigation from Sampit into Santee, and from Santee into Cooper or Wando river.....	605
1960	An Act to raise supplies for the year one thousand eight hundred and nine; and for other purposes therein mentioned.....	605
1961	An Act to make Appropriations for the year one thousand eight hundred and nine.....	613
1810	1962 An Act to alter and amend an Act entitled "An Act for regulating the inspection and exportation of Tobacco; and for other purposes therein mentioned.".....	617
	1963 An Act to lessen the security required to be given by the Commissioners of Locations.....	618
	*1964 An Act to incorporate the Union Bank of South Carolina.....	618
	1965 An Act to define and establish the compensation which Sheriffs shall in future receive for dieting Negroes confined in Gaol; and for other purposes therein mentioned.....	619
	1966 An Act to authorize the Board of Directors of the South Carolina Homespun Company to establish a Lottery or Lotteries for the benefit of the said Company.....	619
	*1967 An Act to incorporate the Protestant Episcopal Society for the advancement of Christianity in South Carolina.....	620
	*1968 An Act authorizing the building of a Bridge over Cooper river, at Clement's Ferry.....	620
	1969 An Act authorizing the Gaolers of Charleston, Williamsburg, Marion and Horry Districts, to receive and take charge of persons liable to be committed in Georgetown District; and for building a Gaol in the town of Georgetown..	620
	1970 An Act to authorize certain Societies to raise a sum of money by Lottery; and for other purposes therein mentioned.....	621
	*1971 An Act to authorize the Intendant and Wardens of the City of Charleston to widen Motte-street, and to open Kinlock's Court as a street; and for other purposes therein mentioned.....	622
	*1972 An Act to incorporate the several Societies, and for other purposes therein mentioned.....	622
	1973 An Act to regulate and ascertain the rates of landing, storing and weighing of Produce in the town of Georgetown; and for abolishing the inspection of certain articles therein mentioned in Charleston and Georgetown.....	623
	1974 An Act to increase the number of Justices of the Quorum and Justices of the Peace, in several Districts in this State.....	624
	*1975 An Act to incorporate the Planters and Mechanics Bank of South Carolina.....	625
	*1976 An Act establishing a Court of Equity in and for the District of Beaufort; and for other purposes.....	625
	*1977 An Act to establish certain Roads, Bridges and Ferries; and for other purposes therein mentioned.....	625
	1978 An Act to raise supplies for the year one thousand eight hundred and ten; and for other purposes therein mentioned.....	625
	1979 An Act to make Appropriations for the year one thousand eight hundred and ten.....	634

A. D. 1811.	1980	An Act to establish Free Schools throughout the State.	639
	1981	An Act to repeal all Acts and clauses of Acts requiring the owners of Mill-dams on Tyger river to keep them open for the passage of Fish up the said river.	641
	*1982	An Act to incorporate the Charleston Fire Insurance Company.	641
	1983	An Act to prevent any citizen of this State from being sent to Gaol, until he be heard by himself or counsel.	642
	1984	An Act to amend an Act entitled "An Act to repeal an Act of the General Assembly of this State entitled an Act for the better regulating the streets and markets of the Town of Columbia, and to incorporate the said town."	643
	*1985	An Act to authorize the widening of State, late Motte and Union streets, in the City of Charleston, in such manner and under such provisions as are herein specified.	643
	*1986	An Act for amending the charter of the Planter's and Mechanic's Bank of South Carolina; and for other purposes therein mentioned.	643
	1987	An Act to make appropriation for the support of a Professor of Chemistry in the South Carolina College.	643
	1988	An Act to vest in Hugh Muling and his heirs the right and title of the State to a certain tract of land.	644
	*1989	An Act to authorize the Commissioners of the Orphan House of Charleston to select the number of youths therein mentioned, from those educated and maintained on the County of that institution, who shall be allowed to complete their education at the South Carolina College.	644
	*1990	An Act for regulating the Courts held by the Associate Judges of this State at the conclusion of their respective circuits, and of the Courts of Appeals held by the Judges of the Courts of Equity, within this State; and for other purposes therein mentioned.	645
	1991	An Act to appoint certain Commissioners to establish the Parish lines between St. Philip's and St. Andrew's; between St. Andrew's and St. James, Goose-Creek; and between St. Andrew's and St. George's, Dorchester; between St. Philip and St. James, Goose Creek; and between St. James, Goose-Creek, and St. George, Dorchester.	645
	1992	An Act to prevent any person that now holds, or who may hereafter hold, the office of Ordinary of any District in this State, from practicing as an Attorney, Solicitor or Counsel, in any of the Courts, either of Law or Equity, within this State; and for other purposes therein mentioned.	646
	1993	An Act to prevent obstructions to the free passage of Fish up the river Keowee and its waters.	647
	*1994	An Act to establish certain Roads, Bridges and Ferries; and for certain purposes therein mentioned.	648
	*1995	An Act to incorporate the Pendleton Circulating Library Society, the Sumterville Library Society, and the other Societies therein mentioned.	648
	*1996	An Act discontinuing the public road leading over the Causeway at and passing through Willtown; and establishing as a public road the road leading by Old Black Mingo Ferry; and for reviving an Ordinance, passed in the year one thousand seven hundred and ninety, for laying open the navigation of Black Mingo creek.	648
	1997	An Act to authorize and empower the Trustees of the Wadsworthville Poor School, in Laurens District, to alien and sell certain lands therein mentioned.	648
	1998	An Act to authorize the Intendant and Wardens of the Town of Beaufort to lay out Streets on Black's Point, in the Town of Beaufort; and for other purposes therein mentioned.	649
	1999	An Act to authorize certain persons, therein mentioned, to change their present names.	650
	2000	An Act to alter the time of the stated meeting of the Board of Trustees of the South Carolina College; and for other purposes therein mentioned.	651
	2001	An Act to raise supplies for the year one thousand eight hundred and eleven; and for other purposes therein mentioned.	652

A. D. 1811.	2002	An Act to make Appropriations for the year one thousand eight hundred and eleven.....	660
1812.	2003	An Act prescribing, on the part of this State, the times, places and manner of holding Elections for Representatives in the Congress of the United States.....	664
	*2004	An Act to extend the provisions of an Act entitled "An Act to remedy the defects of the Court of Ordinary in the several districts where there are no County Courts, as to matters and cases in which the Ordinaries of those districts may be respectively interested," passed the seventh day of March, one thousand seven hundred and eighty-nine, to all the Circuit Court districts throughout the State.....	667
	2005	An Act for ratifying and confirming a Convention between the State of South Carolina and the State of North Carolina, concluded at Columbia, in the State of South Carolina, on the eleventh day of July, in the year of our Lord one thousand eight hundred and eight, and in the thirty third year of the Independence of the United States of America.....	667
	2006	An Act making additional appropriations for the year one thousand eight hundred and twelve.....	669
	2007	An Act providing for the better defence of this State; and for other purposes therein mentioned.....	670
	2008	An Act to prevent the pernicious practice of Duelling.....	671
	2009	An Act to authorize and oblige the several Gaolers in this State to receive for safe keeping such person or persons as may be apprehended or may be in confinement according to law, in any district wherein the gaol or gaols now are, or may hereafter be, destroyed by fire or other accidents; and for other purposes therein mentioned.....	672
	*2010	An Act to exempt the officers, non-commissioned officers and privates of the City Guard of Charleston from militia duty.....	673
	2011	An Act to increase the number of Justices of the Quorum and Peace in several Districts in this State.....	673
	2012	An Act making it unnecessary for the Sheriffs of certain Districts, herein mentioned, to advertise sales of property taken in execution in the public Gazettes.....	674
	2013	An Act limiting the term of service of certain officers, who have heretofore held their offices during good behaviour; and for other purposes therein mentioned.....	674
	*2014	An Act to incorporate the Free Mason Hall Company.....	676
	2015	An Act to afford Landlords or Lessors an expeditious and summary mode of gaining re-possession from tenants or lessees, who shall hold over after the determination of their leases.....	676
	*2016	An Act to amend an Act entitled "An Act to authorize the opening and widening of State, late Motte and Union streets, in the City of Charleston, in such manner and under such provisions as are herein specified.".....	677
	2017	An Act to amend an Act entitled "An Act for regulating the admission of Attornies and Solicitors to practice in the Courts of this State.".....	677
	2018	An Act to alter and amend an Act entitled "An Act to enable the Catawba Indians to make leases of their lands, for life or lives, or terms of years; and for other purposes therein mentioned.".....	678
	2019	An Act to enable the Company for opening a Canal from Back River to Chapel Bridge, to raise by Lottery the sum of five thousand dollars.....	679
	2020	An Act to enable John Bowman to change his present name to that of John Bowman Lynch.....	679
	*2021	An Act to establish a Bank, on behalf of and for the benefit of the State.....	680
	2022	An Act to raise supplies for the year one thousand eight hundred and twelve; and for other purposes therein mentioned.....	680
	2023	An Act to make appropriations for the year one thousand eight hundred and twelve.....	688
1813.	*2024	An Act to amend "An Act for regulating the Courts held by the Associate Judges of this State, at the conclusion of their respective Circuits, and of the Courts of Appeal held by the Judges of the Courts of Equity within this State," passed the twenty-first day of December, in the year of	

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	our Lord one thousand eight hundred and eleven, by changing the day for holding the Courts; and for legalizing the Jury drawn for the next ensuing session of the Court in Colleton District.....	694
2025	An Act making additional appropriations for the year one thousand eight hundred and thirteen; and for other purposes therein mentioned.....	694
*2026	An Act to alter and amend the Militia Laws of this State.....	695
*2027	An Act to explain and amend an Act entitled "An Act to establish a Bank, on behalf of and for the benefit of the State,".....	695
2028	An Act to authorize the Hon. Theodore Gaillard, one of the Judges of the Court of Equity of the State, to leave the same for the time herein mentioned.....	695
*2029	An Act for appointing an additional Commissioner or Master in Equity for the Court of Equity in Charleston; and for other purposes therein mentioned.....	696
2030	An Act to allow the United States to exercise jurisdiction for certain purposes over the land on which Fort Mechanic is erected, in the City of Charleston.....	696
2031	An Act to incorporate the several Societies therein mentioned; and for other purposes.....	696
2032	An Act for ratifying and confirming a provisional agreement entered into between the State of South Carolina and the State of North Carolina, concluded at McKinney's, on Toxoway river, on the fourth day of September, in the year of our Lord one thousand eight hundred and thirteen....	697
*2033	An Act to alter the times of holding the Courts of Common Pleas and General Sessions in the District of Horry.....	697
2034	An Act attaching to the District of Lancaster that portion of territory included within the limits of this State, by the line lately run out, from the termination of the line of 1764, at the Salisbury road, to the South-east corner of the Catawba line at 12 mile Creek; and for other purposes relating thereto.....	697
2035	An Act to authorize the Sheriff of Chester District, or his successor in office, to execute titles to Joseph Robins for a certain tract of Land therein mentioned.....	699
*2036	An Act appointing Commissioners to lay out and make a portage at Lockert's Shoals, on Broad river.....	699
2037	An Act to prevent the obstructions to the passage of fish up Reedy river, from its mouth to the Tumbling Shoals; and for other purposes therein mentioned.....	700
2038	An Act to authorize the Commissioners of the Pendleton Circulating Library Society to alter the western boundary line of the public square in the village of Pendleton; and for other purposes.....	701
2039	An Act to alter the name of Martha Campbell to that of Martha Smith; and to change the name of William Washington Bray Ellis to that of William Washington Ellis; and for other purposes therein mentioned.....	702
*2040	An Act to establish certain Roads, Bridges and Ferries; and for other purposes therein mentioned.....	703
2041	An Act to raise supplies for the year one thousand eight hundred and thirteen; and for other purposes therein mentioned.....	703
2042	An Act to make appropriations for the year one thousand eight hundred and thirteen.....	712
1811 2043	An Act to enable persons, hereafter, on petition to the Courts of Law or Equity in this State, to change their names; and for other purposes therein mentioned.....	718
*2044	An Act to establish a Court of Equity for Edgefield district.....	719
2045	An Act for the protection of the maritime frontier of this State.....	720
*2046	An Act to prolong the time for certain militia officers to take the oath of affirmation prescribed by law.....	720
*2047	An Act to alter and amend the charter of the Bank of the State of South Carolina, so far as relates to the issuing of bills of a less denomination than one dollar; and for other purposes therein mentioned.....	720
*2048	An Act to incorporate the several Societies therein mentioned, and for other purposes.....	721

STATUTES AT LARGE.

AN ORDINANCE TO SUSPEND ALL SALES BY EXECUTION, FOR THE No. 1341. SPACE OF TWENTY DAYS.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met in General Assembly, and by the authority of the same, That no sale of any estate, real or personal, within twenty days after the passing of this Ordinance, seized under execution, shall be deemed or held to be valid in law; and the sheriffs, or other officers, of the several and respective districts within this State, are hereby required, authorized, and empowered to postpone the sale of all such estates, real or personal, as have been or shall hereafter be seized under execution within the twenty days aforesaid; and every sheriff or other officer who shall proceed to the sale of any estates within the twenty days as aforesaid, shall forfeit his office, and be rendered incapable, upon conviction, of holding any office of emolument or profit within this State, for the space of six years: provided, nevertheless, that no sheriff or other officer, except those of Charleston district, shall be held liable to the penalty of this Ordinance, if he or they shall give satisfactory proof upon oath, in any court of record in this State, that he or they were neither informed nor knew of the passing of this Ordinance.

Sales under execution to be suspended.

In the Senate House, the twentieth day of February, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH THE LEGALITY OF NOTICES WHICH MAY BE No. 1342. GIVEN IN THE STATE GAZETTE.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, all notices whatever, which shall be published in the State Gazette, shall be deemed, held and received as legal notice for the district of Charleston, in

Legality of public notices.

A. D. 1787. the courts held for the said district : provided the same be published three times, once in every week successively, in the said paper.

In the Senate House, the eighth day of March in the year of our Lord one thousand seven hundred and eighty seven, the twenty sixth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1343. **AN ACT FOR PROMOTING THE MORE PUNCTUAL AND REGULAR ATTENDANCE OF PERSONS ELECTED MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES.**

Preamble.

WHEREAS, the business and sitting of the Legislature is very much retarded and prolonged by the dilatory and irregular attendance of persons elected and returned members of the Senate and House of Representatives, to the great expense and other detriment of the public ; to remedy and prevent which, as much as possible,

Penalty on managers of elections for neglect to make returns.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, and by the authority of the same, That if the churchwardens, or other managers and conductors of the election of any district or parish, shall neglect to make a return at the time and place the Legislature is to meet, according to the exigence of the writ to them directed, then, and in such case, the churchwardens or managers so neglecting, shall pay the sum of twenty pounds, to be sued for and recovered by the attorney general, and be paid into the treasury for the use of the State.

Persons elected to appear at the time of meeting, or for first day, or every day of default.

II. *And be it enacted* by the authority aforesaid, That every person who shall or may be elected and returned, and doth qualify to serve in the Senate or House of Representatives, shall and must, and is hereby ordered and directed, personally to be and appear at the time and place duly prescribed and appointed for the meeting of the Legislature, on pain of incurring the penalty of twenty shillings for every day he shall make default ; and on his appearance the clerk of the House to which he belongs shall, and is hereby ordered, on pain of being proceeded against as for a contempt of the House and breach of privilege, to report to the President of the Senate, or Speaker of the House of Representatives, as the case may be, the number of days such person shall have made default, and the President or Speaker shall thereupon require him to show cause or excuse why he should not pay such penalty, and shall leave to the judgment and determination of the House to which he shall belong, whether such penalty shall be exacted ; and in case it be the judgment and determination of the House that the same shall be exacted, then the cashier shall demand the payment thereof ; and in case of refusal or noncompliance within seven days, the said person shall be taken into custody and proceeded against by order of the House to which he shall belong, as for a contempt and breach of privilege : provided, nevertheless, and it is hereby enacted, that any person who shall be duly elected and returned a member of either House of the Legislature, and who shall determine to decline to serve and qualify in case it may not be convenient for him to attend for

the purpose, it shall and may be lawful for him to signify and express his determination by a letter signed by himself, in the presence of a member of the same district or parish, and which said member shall deliver the letter addressed to the President of the Senate or the Speaker of the House of Representatives.

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III. *And be it enacted by the authority aforesaid, That if any person duly elected and returned as a member of either House of the Legislature, shall neglect and fail personally to appear and qualify, or decline to serve, or signify and express his determination to decline or not qualify, by letter as aforesaid, at the meeting as aforesaid of the House for which he is returned to serve, then, in such case, the cashier of the House for which he shall be elected and returned a member, shall report such default to the President or Speaker, and the person so making it shall be liable to be sent for at his own expense, and taken into custody, and to answer and show cause and excuse why he should not be liable to the penalties and to be proceeded against as is above mentioned within the second clause of this Act.*

Persons elected and neglecting to appear, to be reported by the cashier.

IV. *Be it further enacted by the authority aforesaid, That if any member of either House, who hath qualified and taken his seat, shall neglect to appear at the time and place to which the House may be duly adjourned to meet, or convened by a requisition of the Governor for the time being, he shall be liable to the same penalties, and shall be proceeded against as is prescribed and directed in the said second clause of this Act.*

Members neglecting to appear, to be proceeded against.

V. *Be it further enacted by the authority aforesaid, That if the cashier of either House shall fail in their duty as above prescribed, he shall be liable to be called on by the President or Speaker to receive such censure or reprimand as the case may require, and the House to which he belongs may resolve and direct.*

Cashier failing to do his duty to be reprimanded.

VI. *And be it further enacted by the authority aforesaid, That the twenty-second section of the Act for electing members, passed the twenty-first day of September, one thousand seven hundred and twenty-one, shall, and the same be, from and immediately after the ratification of this Act, repealed, and it is hereby declared void and repealed.*

Repealing clause.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT TO AUGMENT THE TRUSTEES OF THE COLLEGE OF CAMBRIDGE. No. 1344.

WHEREAS, the difficulty of making a Board of Trustees for governing the college of Cambridge, is greatly injurious to the interests of the said college;

Preamble.

I. *Be it therefore enacted, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the honorable Adanus Burke, Esquire, James Mayson, James Lincoln, and Charles Goodwin, Esquires, John Williams, John Bullock, John Owen, and William Swift, shall be, and they are hereby declared to be, trustees, in addition to those formerly appointed,*

Additional trustees for the College of Cambridge.

A. D. 1787.

and vested with all the powers and authorities heretofore given to the trustees of the said college.

Seven to constitute a quorum.

II. *And be it further enacted* by the authority aforesaid, That any seven of the trustees of the said college shall be a quorum to manage the affairs thereof, and to do all such matters and things as shall be necessary to promote the prosperity of the institution.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1345. *AN ACT FOR APPOINTING DEPUTIES FROM THE STATE OF SOUTH CAROLINA, TO A CONVENTION OF THE UNITED STATES OF AMERICA, PROPOSED TO BE HELD IN THE CITY OF PHILADELPHIA, IN THE MONTH OF MAY, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-SEVEN, FOR THE PURPOSE OF REVISING THE FEDERAL CONSTITUTION.*

Preamble.

WHEREAS, the powers at present vested in the United States in Congress assembled, by the articles of confederation and perpetual union of the said States, are found by experience greatly inadequate to the weighty purposes they were originally intended to answer, and it is become absolutely necessary to the welfare of the confederated States that other and more ample powers in certain cases should be vested in and exercised by the said United States in Congress assembled; and also that the articles of confederation and perpetual union of the United States should be revised, in order to remedy defects which at their original formation in the time of war and general tumult, could not be foreseen nor sufficiently provided against; and whereas, this State is, and ever hath been, ready and willing to co-operate with the other States in union, in devising and adopting such measures as will most effectually insure the peace and general welfare of the confederacy;

Commissioners appointed to meet in convention, to revise the federal constitution.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That five commissioners be forthwith appointed by joint ballot of the Senate and House of Representatives, who, or any three or more of them, being first duly commissioned by his Excellency the Governor for the time being, under his hand and the great seal of the State, by virtue of this Act shall be, and are hereby, authorized as deputies from this State to meet such deputies or commissioners as may be appointed and authorized by other of the United States to assemble in convention at the city of Philadelphia in the month of May next after passing of this Act, or as soon thereafter as may be, and to join with such deputies or commissioners, they being duly authorized and empowered, in devising and discussing all such alterations, clauses, articles, and provisions, as may be thought necessary to render the Federal Constitution entirely adequate to the actual situation and future good government of the confederated States; and that the said deputies or commissioners, or a majority of those who shall be present, provided the State be not represented by less than two,

do join in reporting such an Act to the United States in Congress assembled, as when approved and agreed to by them, and duly ratified and confirmed by the several States, will effectually provide for the exigencies of the Union.

A. D. 1787.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE DELEGATES OF THIS STATE IN CONGRESS TO CONVEY TO THE UNITED STATES IN CONGRESS ASSEMBLED, ALL THE RIGHTS OF THIS STATE TO THE TERRITORY HEREIN DESCRIBED. No. 1346.

WHEREAS, the Congress of the United States did, on the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several States in the Union having claim to Western territory, to make a liberal cession to the United States of a portion of their respective claims, for the common benefit of the Union; and whereas, this State is willing to adopt every measure which can tend to promote the honor and dignity of the United States, and strengthen their federal union;

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, in General Assembly met and sitting, and by the authority thereof, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and they are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instruments in writing, under their hands and seals, to convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of the said States, all right, title, and claim, as well of soil as jurisdiction, which this State hath to the territory or tract of country within the limits of the charter of South Carolina, situate, lying, and being within the boundaries and lines hereinafter described, that is to say, all the territory or tract of country included within the river Mississippi and a line beginning at that part of the said river which is intersected by the southern boundary line of the State of North Carolina, and continuing along the said boundary line until it intersects the ridge or chain of mountains which divides the eastern from the western waters, then to be continued along the top of the said ridge of mountains, until it intersects a line to be drawn due west from the head of the southern branch of Tugoloo river, to the said mountains, and thence to run a due west course to the river Mississippi.

Delegates authorized to assign a certain tract of country to the U. S.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

A. D. 1787.

No. 1347. *AN ACT TO AMEND AN ACT ENTITLED "An Act to authorize the United States in Congress assembled, to regulate the trade of the United States with foreign nations."*

Preamble. WHEREAS, by an Act passed the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-six, the Congress of the United States were authorized and empowered to regulate the trade of the United States with the West Indies, and all other external or foreign trade of the said States, under certain restrictions, for a term not exceeding fifteen years from the passing of the said Act; and whereas, it is expedient that the powers vested in Congress by the respective States should be uniform and of equal duration;

Commence-
ment of the
power vested
in Congress.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the power and authority vested in the Congress of the United States by the said Act, shall commence from the day on which Congress shall begin to exercise the same.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the twenty-fourth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1348.

AN ACT CONCERNING ESTRAYS.

Estrays to be
advertised
within three
days, and at
three or more
public places,
&c.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for any freeholder, by himself or his agent, to take up any estray on his own land, the rightful owner being unknown, and having taken it shall, within three days, publicly advertise the same at three or more separate public places; and shall, within seven days, give information thereof to some justice of the peace for the same county, who shall thereupon issue his warrant to three disinterested residents of the neighborhood, and for which he shall receive three shillings, commanding them, having been first duly sworn, well and truly to ascertain the value of such estray, to view and appraise the same and certify the valuation under their hands, together with a particular description of the kind, marks, brands, stature, color, and age, which certificate shall, by the justice, be transmitted to the clerk of his county court within seven days, and by such clerk to be entered in a book to be kept for that purpose; and at the next court to be held thereafter, such clerk shall cause a copy of every such certificate to be publicly affixed at the door of his court-house, and continue the same on two several courts after he shall have received such certificate, for which services and a certificate thereof, three shillings and six pence shall be paid by the taker up.

II. *And be it further enacted* by the authority aforesaid, That if the valuation shall be under ten pounds, and no owner shall appear until after the adjournment of the second court wherein the description of the said estray hath been published as aforesaid, or on or before the sale thereof, then the said court by their order shall cause the said estray to be publicly sold at auction, and the money arising therefrom be applied to the use of the county.

A. D. 1787.

Proceedings if
no owner shall
appear.

III. *And be it further enacted* by the authority aforesaid, That where the valuation shall exceed ten pounds, and published as aforesaid, the taker up shall send to the printer of the State Gazette a true copy of the certificate of description and appraisement, together with notice of the place where the said stray is to be found, within one month from the time of such appraisement; and the State printer shall advertise the same three times in the Gazette, and shall receive five shillings for each estray so advertised; and if no owner shall appear and make title to such estray within twelve calendar months from the date of the appraisement and publication as aforesaid, then such estray shall be sold by the order of the county court at public auction, and the money arising therefrom shall be applied to the use of the county.

Estray to be
advertised, giv-
ing a descrip-
tion, &c.

IV. *And be it further enacted* by the authority aforesaid, That if any person shall wilfully suffer any stone horse above the age of twenty months, to run at large in the woods, it shall be lawful for any person to catch and geld such horse, and shall have a right to receive from the owner thereof ten shillings for so doing; any law to the contrary notwithstanding.

No stone-horse
to run at large.

V. *And be it further enacted* by the authority aforesaid, That where there are no county courts established, the magistrates in the several parishes shall, and they are hereby empowered to, proceed where strays are taken up, as is herein directed for advertising and selling such strays in the counties where courts are established; and the money arising therefrom shall be paid to the commissioners of the public roads, and applied towards the repairs of the public roads within the parish where such strays shall have been taken up and sold.

How justices
shall proceed
where there are
no county
courts.

VI. *And be it further enacted* by the authority aforesaid, That if any magistrate or clerk of the county, or person taking up any estray, shall refuse or neglect to perform the duties prescribed by this Act, each and every of them shall forfeit and pay the sum of three pounds, to be recovered and applied to the use of any person who shall inform and sue for the same, and shall moreover be liable in damages to the party aggrieved.

Penalty for ne-
glect of duty.

In the Senate House, the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT to establish a Company for Clearing and Improving the Navigation of Edisto and Ashley rivers, and for forming a communication by a Canal and Locks, between the former and the latter. No. 1349.

(Passed March 27, 1787. See last volume.)

A. D. 1787.

No. 1350. *AN ACT* FOR LEVYING AND COLLECTING CERTAIN DUTIES AND IMPOSTS THEREIN MENTIONED, IN AID OF THE PUBLIC REVENUE; AND FOR REPEALING SUNDRY CLAUSES OF AN ACT ENTITLED "*An Act for levying and collecting certain Duties and Imposts,*" PASSED MARCH 26, 1781; THE SECOND CLAUSE OF *An Act for collecting an Impost on Transient Persons*, PASSED MARCH 26, 1781; AND THE THIRD AND FIFTH CLAUSES OF *An Ordinance for regulating Vendors*, PASSED MARCH 17, 1785.

Rate of taxation on wines, liquors, goods, merchandizes, &c.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, met in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the rates, duties and impositions hereinafter mentioned shall be laid, imposed and paid, on importation into any part of this State of the liquors, spirits, goods, wares and merchandises, hereinafter specified and enumerated, that is to say: on every gallon of rum, one penny sterling; on every gallon of Jamaica rum, four pence sterling; on every gallon of Winiward Island and other rum, three pence sterling; on every gallon of brandy, gin, arrack, anniseed and other cordials and liquors, three pence sterling; on every gallon of wine the growth and produce of the dominions of France, two pence; on every gallon of wine, the growth and produce of the dominions of Portugal, five pence; on every gallon of wine, of the growth and produce of Spain, three pence; on every gallon of wine, imported from the dominions of Great Britain, eight pence; on every gallon of beer, porter or other malt liquor, one penny half penny; on every gallon of cider, one penny; on every gallon of molasses, one penny; on every pack of playing cards, six pence; on every hundred weight of brown or clayed sugars, imported from any part of the British Islands or plantations, two shillings and six pence; on every pound of refined sugar, imported from any part of the British dominions, one penny half penny; on every hundred weight of brown or clayed sugars, imported from any of the dominions of France, Spain, Holland, Denmark, Prussia, or Sweden, one shilling and six pence; on every pound of refined sugar, from any of the last mentioned dominions, one half penny; on every hundred weight of cocoa, six shillings; on every hundred weight of pimento, five shillings; on every hundred weight of coffee, four shillings; on every pound of bohea tea, four pence; on every pound of hyson tea, one shilling; on every pound of all other teas, eight pence; on every coach, chariot, post chaise, chaise, and riding chair, ten per centum on the first cost; on all wrought plate, plated ware, clocks, watches, and all kinds of jewellery, ten per centum on the first cost; on all kinds of shops and ready-made clothes, except gloves, mitts and stockings, and on all manufactured leather, five per centum. That an additional duty of twenty shillings per head be laid on all negroes, liable to pay duty according to the Act for levying and collecting certain imposts and duties, passed the twenty-sixth day of March, one thousand seven hundred and eighty-four.

No duties on domestic goods.

II. *And be it further enacted* by the authority aforesaid, That nothing herein contained shall be construed to impose any duty whatever upon any goods, wares and merchandises of the growth, produce or manufacture of the United States.

III. *And be it further enacted* by the authority aforesaid, That a duty of three per centum shall be, and the same is hereby, imposed on the value

of all goods, wares and merchandises, not hereinbefore enumerated, except of the growth, produce or manufacture of some of the United States, to be collected in the same manner and by the same persons, and subject to the same regulations, penalties and forfeitures, as the above enumerated articles; and that the value of such imports shall be ascertained by the invoices and bills of lading thereof, which shall be produced and attested by the importers before one of the commissioners of the treasury of Charleston, or before the collectors of the ports of Georgetown or Beaufort, according as such goods shall be brought into one or other of those ports, and before the same may be landed.

A. D. 1797.

3 per cent. on all other goods.

IV. *And be it further enacted* by the authority aforesaid, That when any goods, wares, merchandises or negroes shall be imported into this State by any person or persons whomsoever, with an intent to export the same, it shall and may be lawful for such person or persons to report the same at the custom-house, for exportation, within forty-eight hours after the arrival of the vessel in which the said goods shall be so imported, and the collector of the customs for the port where the said vessel shall enter, is hereby authorised and required to grant a permit for the landing of the said goods, upon the person or persons who shall import the same giving bond with sufficient security, to the collector, to reship the same, which shall be done in the presence and under the inspection of the searcher or waiter of the said port, whose certificate, together with the oath of the consignee of the said goods, wares, merchandises or negroes, are hereby required to cancel the said bond.

Goods entitled to drawback.

V. *And be it further enacted* by the authority aforesaid, That previous to the cancelling of the said bond, the person or persons who shall reship the said goods shall give bond to double the value of the said goods, with such security as shall be approved of by the collector for the port in which the said goods shall be reshipped, to produce, within eight months thereafter, a certificate from the principal naval officer of some other port, that the said goods, wares and merchandises have been there landed.

Bond to be given for goods to be reshipped.

VI. *And be it further enacted* by the authority aforesaid, That when a seizure of any goods, wares, merchandises, or negroes, shall have been made by any officer of the customs of this State, for breach of this Act or any law of this State for regulating the trade thereof, no amendment of entry, or after entry, to evade such seizure, shall be permitted to be made, but such goods, wares, merchandises, or negroes, shall become forfeited to the use of this State and to the officers so making a seizure; any law, usage or custom to the contrary notwithstanding.

Goods, &c. seized, to be forfeited.

VII. *And be it further enacted* by the authority aforesaid, That all and every person and persons who is or are liable to pay the transient duty, shall, at the time of his or their making an entry of his or their goods, wares or merchandises, give bond or note, with security, to be approved of by the commissioners of the treasury, or to the collectors of the ports of Georgetown or Beaufort, to pay to them, for the use of this State, four per cent. on the value of such goods, wares and merchandises, over and above the duty and impost hereby and herein already laid. Provided nevertheless, that no subject of any kingdom or state in commercial alliance with the United States of America shall be liable to pay a transient duty; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Payment of the transient duty.

VIII. *And be it further enacted* by the authority aforesaid, That every person who shall make an entry at the treasury or at the custom-houses at Georgetown and Beaufort, of any negroes, goods, wares or merchandises, shall make oath at the time that the said negroes, goods, wares or merchandises are bona fide consigned to him, and that the same are not entered by him to evade the payment of the transient duty, and that no alien in this

Oath to be taken by importers.

A. D. 1787.

State is interested in the sale of the said goods: or if any alien in this State is interested in the sale of the said goods, that then the said person making the entry shall declare upon oath the name of the said person, and the proportion which the said person has in the same: and the said commissioners of the treasury, and the collectors of the customs for the ports of Georgetown and Beaufort, are hereby required not to give permit for the landing of the said goods until such alien, or the person who shall make the entry of the same, shall give bond or note and sufficient security to the commissioners of the treasury, or to the collectors of the customs for the ports of Georgetown and Beaufort, to pay the duty herein and hereby imposed, within one month from the time of making such entry.

No entry to be made by vendue masters.

IX. *And be it further enacted* by the authority aforesaid, That no person acting as a vendue master shall be allowed to make an entry at the treasury, or at the custom-houses of Georgetown and Beaufort, of any negroes, goods, wares or merchandises, upon their importation into this State.

Duty on goods sold at auction.

X. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for every auctioneer or vendue master within the State, to stop out of the sales of all ships, boats, or any other vessel, lands, slaves, or houses, one per centum, and out of the sales of all horses, cattle, goods, wares and merchandises, three per centum; which sum shall be paid to the commissioners of the treasury by the respective auctioneers or vendue masters, in specie or paper medium, once in every three months, for the use and service of this State, unless the said ships, boats, vessels, lands, slaves, houses, horses, cattle, goods, wares and merchandises, were sold for indents, in which case the duty hereby imposed shall be paid in indents; provided, that nothing herein contained shall be construed to impose any duty on sales made of the property of persons deceased, of insolvent debtors, or of incorporated societies, or which shall be sold under the order of any court of justice in this State.

Duties under £10 to be paid before goods are landed.

XI. *And be it further enacted* by the authority aforesaid, That whenever the amount of duties on the entry of any goods, wares, merchandises and negroes shall not exceed ten pounds sterling, in such case the said duty shall be paid at the time of entering the said goods, and before the permit for the landing the said goods shall be granted.

Days appointed for the sale of goods at vendue.

XII. *And be it further enacted* by the authority aforesaid, That no auctioneer or vendue master shall offer for sale any article or articles of damaged goods, and property of persons deceased, excepted;) and if any auctioneer or vendue master shall offend against this clause, he shall forfeit and pay for every offence the sum of twenty pounds, one half thereof to the use of this State and the other half to the person who shall sue for the same, and shall moreover be, and he is hereby, prohibited from commencing any action for the recovery of the specie, paper medium or indents for which the said goods shall be sold.

Oath to be taken by vendue masters.

XIII. *And be it further enacted* by the authority aforesaid, That every licensed auctioneer or vendue master shall, within one month from the passing of this Act, take the following oath: "I, A. B., do solemnly swear (or affirm, as the case may be) that I am not at this time in partnership with any person who is not a citizen of this or some one of the United States; and that I will not enter into copartnership with any alien whilst I continue to act under the license I now have: So help me God" And if any auctioneer or vendue master shall neglect or refuse to take the said oath hereby required, within one month from the passing of this Act, every such person shall forfeit the sum of five hundred pounds, to be recovered

by action of debt in the court of common pleas of this State, one moiety of which sum shall be to the use of this State, and the other moiety to the use of the person who shall sue for the same.

A.D. 1797.

XIV. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury be, and they are hereby, required to keep a distinct account of the several and respective duties imposed by this Act, under their particular heads.

Treasurers to keep an account of duties imposed by this Act.

XV. *And be it further enacted* by the authority aforesaid, That the seventh, eighth and twenty-fourth clauses of the General Duty Act, passed the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four—the second clause of the Act for collecting an impost on transient persons, passed the twenty-sixth day of March, one thousand seven hundred and eighty-four—and the third and fifth clauses of the Ordinance for regulating Vendues, passed the seventeenth day of March, one thousand seven hundred and eighty five—be, and the same are hereby, repealed.

Clauses of former Acts repealed.

In the Senate House, the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT FOR ENLARGING THE TOWN OF WINSBOROUGH; AUTHORISING THE INHABITANTS THEREOF TO CHOOSE THREE COMMISSIONERS; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1351.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the town of Winsborough be enlarged, agreeable to the plan hereunto annexed, and that all and singular the streets therein laid out be hereafter deemed and held to be forever public.

Town of Winsborough to be enlarged.

II. *And be it further enacted* by the authority aforesaid, That on Easter Monday in the present year, and on every Easter Monday thereafter, the taxable inhabitants of the town of Winsborough shall choose by ballot three commissioners out of the inhabitants residing within the said town, to act for the ensuing year, as commissioners of the streets; who, or any two of them, shall have the same powers and authority for repairing and keeping clean the streets of the said town, and for preventing and removing nuisances, as the intendant and wardens of the city of Charleston do now by law exercise.

Commissioners of streets to be chosen.

III. *And be it further enacted* by the authority aforesaid, That John Milling and David Evans be commissioners for managing the election to be held on Easter Monday as aforesaid; and that the commissioners elected as commissioners of the streets shall, annually and every year, have the management of the election for commissioners as aforesaid for the ensuing year.

Commissioners of elections.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid, or a majority of them, shall and may annually assess the lots and houses of the said town, according to their relative value, and levy on the owners thereof such sum or sums annually as shall be neces-

Assessment.

A. D. 1757.

sary for keeping the streets thereof clean and in repair, and for such other purposes for the benefit of the said town as shall be deemed necessary by the commissioners, or a majority of them.

Certain powers
vested in the
commissioners.

V. *And be it further enacted* by the authority aforesaid, That the commissioners to be appointed as aforesaid shall be vested with the same powers and authority as the churchwardens and constables of Charleston are vested with by an Act entitled "An Act for the better observation of the Lord's Day, commonly called Sunday," and passed the twelfth day of December, one thousand seven hundred and twelve; and the said commissioners are vested with full powers to carry the said Act into execution, and levy the fines therein recited upon persons committing the offences therein mentioned, within the limits of the town of Winsborough.

The trustees of
the college to
be a quorum.

VI. And whereas, the difficulty of convening together a sufficient number of trustees for the College of Winsborough to make such a quorum as is now required by law, makes it necessary to reduce the number; *Be it therefore enacted* by the authority aforesaid, That hereafter any five of the trustees of the college of Winsborough shall be a quorum to do all business respecting the said college: any former law, usage or practice to the contrary notwithstanding.

In the Senate House, the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-one, and in the seventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

Plas of the town created.

No. 1352. AN ACT FOR GRANTING TO CONGRESS THE SUPPLEMENTARY FUNDS
STATED IN THEIR REVENUE SYSTEM OF APRIL 18, 1783

Preamble.

WHEREAS, Congress, by their revenue system, of the eighteenth of April, one thousand seven hundred and eighty-three, recommended to the several States to grant them supplementary funds, in aid of the impost recommended by the aforesaid revenue system; and whereas, by the aforesaid system, South Carolina was quoaded in the sum of ninety-six thousand one hundred and eighty-three dollars, to be annually provided for the discharge of the debts contracted during the late war:

\$96,183 appro-
priated on the
United States
Government.

I. *Be it enacted*, by the Senate and House of Representatives, and by the authority of the states, That the sum and value of ninety-six thousand one hundred and eighty-three dollars, quoaded on this State as aforesaid, be, and is hereby, appropriated to the service of Congress, for the purposes stated in the aforesaid revenue system; and the commissioners of the treasury are hereby directed to pay, each and every year, the aforesaid sum of ninety-six thousand one hundred and eighty-three dollars, or as much of it as shall be called for, to the order of Congress, for the purposes stated in the aforesaid revenue system, of April, 1783. Provided always, that the aforesaid grant of supplementary funds to Congress shall not operate in

this State till the aforesaid revenue system of April 18th, 1783, shall operate generally in the United States.

A. D. 1787.

In the Senate House, the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT FOR RECOVERING FINES AND FORFEITED RECOGNIZANCES INTO THE PUBLIC TREASURY. No. 1353.

I. *Be it enacted* by the honorable the Senate and House of Representatives, in General Assembly now met and sitting, and by the authority of the same, That in all recognizances acknowledged since the twenty-sixth day of March, one thousand seven hundred and eighty-four, or which shall hereafter be acknowledged, by any person, for keeping the peace, or good behaviour, or for appearing as a party, surety or witness, at any court of criminal jurisdiction within this State, the sum or sums of money in which any such person shall be bound shall be made, and payable, to the State, in aid of the revenue thereof; and every such recognizance shall be good and effectual in law, provided it be signed by every party thereto, and also acknowledged in the presence of a judge or justice of peace, who shall certify such acknowledgment, otherwise such recognizance shall be void. And whenever any such recognizance shall become forfeited by non compliance with the condition thereof, the attorney general, or other person acting for him, shall, without delay, issue a *seire facias*, to summon every party bound in such forfeited recognizance, to be and appear at the next ensuing court of sessions, to show cause, if any he hath, why judgment should not be confirmed against him; and if any person so bound fail to appear, or appearing shall not give such reason for not performing the condition of such recognizance as the court shall deem sufficient, then the judgment on such recognizance shall be confirmed. And in every case where any such recognizance shall be adjudged so forfeited, or where any fine shall be imposed by or recovered for the use of the State, in any district or county court, or before a justice, if the party incurring such fine or forfeiture shall fail to pay down the same, with the cost of prosecution, then a writ in nature of a *fieri facias* shall issue, by virtue of which the sheriff or his deputy shall sell (in the same manner as property is sold under execution in civil cases) so much of such offender's estate, real or personal, as may be necessary to satisfy the fine or forfeiture, and also the costs of prosecution, and also the reasonable charges of taking, keeping and selling such property, returning the overplus, if any, to the offender, together with a bill of the fine or forfeiture, with cost and charges, if he require it; but the sheriff shall sell every other part of the personal estate before he shall sell any negroes. And if the sheriff or his deputy return on oath that such offender refuseth to pay, or hath not any property, or not sufficient whereon to levy, then a writ of *capias ad satisfaciendum* shall issue, whereby he shall be committed to the common gaol, until the forfeiture, costs and charges, shall be satisfied; entitled, however, to the privilege of insolvent debtors.

Bonds given for recognizances forfeited to be paid into the public treasury.

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Sheriff to pay
fines &c. into
the public
treasury.

Sheriff, &c. to
keep entry of
fines.

Penalty in case
of fraud, &c.

Proviso.

Former act
repealed.

II. *And be it further enacted* by the authority aforesaid, That the sheriff of each district or county, and every justice of peace, or clerk of any court, after receiving any fine or forfeiture, shall, as soon as may be, pay the same into the public treasury, (excepting such fines and forfeitures, so to be recovered, shall be appropriated for the use of such county, in such manner as shall be directed by a majority of the judges thereof; and if any sheriff or his deputy, or any clerk of a court, shall keep in his hands any moneys which shall be recovered by or paid to him, for any fine or forfeiture, for any space of time more than two calendar months after such moneys shall have been delivered to him, he shall forfeit treble the amount of the sum so detained. And every sheriff, justice, and clerk of a court, shall cause to be kept a just and regular entry of all fines and forfeitures that shall come into his hands respectively; and if any fraud or wilful failure shall be committed by any sheriff, deputy sheriff, justice, clerk of a court, or a constable, in levying, paying or accounting for, any fine or forfeiture, and be thereof convicted, the offender shall forfeit treble the sum whereof there shall be committed fraud or failure, and be thereafter incapable to hold his office. Provided, however, that all such forfeited recognizances, or any fines imposed for trespass or misdemeanor or for default of jurors, shall be subject to the payment of threepounds sterling for every session session that shall be preached at any district court; provided also, that if any person shall forfeit a recognizance from ignorance or unavoidable impediment, and not from wilful default, the court of sessions may, on affidavit stating the excuse or cause thereof, remit the whole or any part of the forfeiture, as may be deemed reasonable.

III. *And be it further enacted* by the authority aforesaid, That an Act passed the twenty-sixth day of March, one thousand seven hundred and eighty-four, for estreating forfeited recognizances, shall be, and the same is hereby, repealed.

In the Senate House, the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1354. AN ORDINANCE for appointing Commissioners for cleansing, clearing and making navigable Chechesey Creek, in the room of those who are dead, with authority and powers contained in the Act of the General Assembly for cleansing, clearing and making navigable the said Creek, passed the nineteenth of March, one thousand seven hundred and fifty-six.

(Passed March 27, 1787. See last volume.)

No. 1355. AN ACT to establish a Company for the opening of the navigation of the Catawba and Wateree Rivers.

(Passed March 27, 1787. See last volume.)

A. D. 1787.

No. 1356.

AN ACT TO AUTHORISE EXECUTORS TO SELL AND CONVEY LANDS OF THEIR TESTATOR, WHERE NO PERSON OR PERSONS IS OR ARE EXPRESSLY NAMED FOR THAT PURPOSE; AND IN CASE SUCH EXECUTOR OR EXECUTORS SHOULD DIE OR REFUSE TO QUALIFY, TO AUTHORISE THE ADMINISTRATOR OR ADMINISTRATRIX WITH THE WILL ANNEXED, TO SELL THE REAL ESTATE OF THE SAID DECEASED, AS DIRECTED IN AND BY THE WILL.

WHEREAS, doubts have arisen respecting the powers of executors to sell and convey the lands of their testator, where the said testator has directed that the same shall be sold, but has not declared by whom the said sale be made;

Preamble.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever any person has directed or shall direct by his or her last will and testament, duly executed in the presence of three or more credible witnesses, that his or her lands shall be sold for the payment of his or her debts, or for the purpose of distributing the money which may arise from the sale thereof among his or her legatees, then and in every such case it shall and may be lawful to and for the executors of such person, or the majority of such executors as shall qualify on the said will, if no person is expressly named for that purpose, to sell and convey the said lands, agreeable to the intention of the testator.

Lawful for qualified executors to sell land, &c.

II. *And be it further enacted* by the authority aforesaid, That if the executor or executors should die, or renounce according to law, then, and in that case, the administrator or administratrix, with the will annexed, shall be authorised by this Act to sell the real estate of the said deceased, as directed in and by the will.

Executors dying or renouncing.

In the Senate House, the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AM ACT for incorporating divers Religious Societies therein named. No. 1357.
(Passed March 27, 1787. See last volume.)

AN ACT FOR NATURALIZING RICHARD CHAMPION AND HIS DESCENDANTS, AND HUGH ALEXANDER NIXON. No. 1358.

WHEREAS, the said Richard Champion, a native of England, hath, by his petition to the Legislature, humbly prayed that he and his descend-

A. D. 1787.

ants might be partakers of the rights, privileges and immunities which the natural-born citizens of the State of South Carolina do enjoy :

R. Champion
admitted to be
a citizen.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Richard Champion, a native of England, now a resident at Rocky Branch, in the district of Camden, on taking and subscribing the oaths of allegiance and abjuration before any one of the associate judges of the court of common pleas of this State, he and his descendants shall be deemed and adjudged and taken to be natural-born citizens of the State aforesaid, to all intents, constructions and purposes, as if he or they or either of them had been or were born within the State aforesaid ; and which said oaths any one of the said judges for the time being is and are hereby authorised and empowered to administer ; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Also Hugh A.
Nixon.

II. And whereas, Hugh Alexander Nixon, a native of Ireland, hath served in the navy of this State for upwards of three years, in the late war against Great Britain, and hath ever since resided in the said State, and hath petitioned to be admitted to citizenship ; *Be it enacted* by the authority aforesaid, That after the said Hugh Alexander Nixon shall have taken the oaths as before prescribed, he and his descendants shall be thereafter naturalized and be invested with all the rights and privileges to a free citizen belonging.

In the Senate House, the twenty-seventh day of March, in the Year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1359. AN ACT to authorise Commissioners for continuing East Bay Street to Ashley River ; to make a new assessment for completing the same ; and to repeal such clauses of the High-road Act, passed the twenty-second day of March, one thousand seven hundred and eighty-five, as relate to the said Street.

(Passed March 27, 1787. See last volume.)

No. 1360. AN ACT TO ALTER THE PLACES OF HOLDING THE ELECTIONS FOR MEMBERS OF THE LEGISLATURE, FOR THE PARISHES THEREIN MENTIONED.

Preamble.

WHEREAS, the holding of the elections for the members of the Legislature, at the parish churches of the parishes of All Saints and Prince Frederick's, are inconvenient and partial, inasmuch as the said parish churches are not centrally situated ;

Places of elec-
tion altered.

1. *Be it therefore enacted*, by the authority of the honorable the Senate and House of Representatives, now met and sitting in General Assembly, That all elections in future for members of the Legislature which shall

hereafter be held in the parishes of All Saints and Prince Frederick's, shall be at the west end of Long Bay for the parish of All Saints, and at George White's, at Indian Town, for the parish of Prince Frederick's. A. D. 1787.

In the Senate House, the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ORDINANCE to empower Commissioners therein named to cut and sink Drains and Water Passages in the Swamps and Savannahs formed by Wannel's, otherwise called Cuckold's Creek, a branch of Combahee River. No. 1361.

(Passed March 27, 1787. *See last volume.*)

AN ACT TO REGULATE THE FUTURE ELECTIONS OF DELEGATES TO REPRESENT THE STATE OF SOUTH CAROLINA IN THE CONGRESS OF THE UNITED STATES. No. 1362.

WHEREAS, by the fifth of the articles of confederation and perpetual union of the United States of America, it is agreed that for the more convenient management of the general interest of the United States, delegates shall be annually appointed, in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November in every year, with a power reserved to each State to recal its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year; and whereas, by the twenty-second article of the Act for establishing the constitution of the State of South Carolina, passed the nineteenth day of March, one thousand seven hundred and seventy-eight, it is constituted and enacted that the delegates to represent this State in the Congress of the United States be chosen annually by the Senate and House of Representatives, jointly, by ballot, in the House of Representatives; and whereas, the United States in Congress assembled, on the twenty-third day of March, one thousand seven hundred and eighty-four, resolved that the several States be requested annually to appoint their delegates to serve in Congress, for one year, to commence on the first Monday in November next ensuing the time of their appointment, and it is expedient to conform the future appointment of delegates to represent this State in the Congress of the United States to what appears to have been the intention of the articles of confederation and perpetual union and the said resolution of the United States in Congress assembled;

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, That the delegates elected on the sixth day of March instant, to represent this State in the Congress of the United States, be furnished with commissions under

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Preamble.

Delegates
appointed.

A.D. 1787.

the great seal of this State, attested by the Governor, and authorised to represent this State in the Congress of the United States, from the date of the said commissions until the first Monday in November next exclusive, and no longer, by virtue of such election and commission.

Other delegates, to succeed the present.

II. *And be it further enacted* by the authority aforesaid That the other delegates, also elected on the eighth day of March instant, to represent this State in the Congress of the United States, be furnished with like commissions, under the great seal of the State, attested by the Governor, and authorised to take their seats in the Congress of the United States on the first Monday in November next, and to continue to represent this State in the said Congress of the United States until the first Monday in November then next ensuing, which will be in the year of our Lord one thousand seven hundred and eighty-eight.

Delegates to be elected at the meeting of the Legislature.

III. *And be it further enacted* by the authority aforesaid, That in future the election of delegates to represent this State in the Congress of the United States shall annually be made at the meeting of the Legislature, in the beginning of each year, and such delegates commissioned to take their seats in Congress on the first Monday in November next ensuing their election. Provided, that nothing in this Act, or in the commissions to be given to such delegates, shall be construed to bar the Legislature of their State from recalling any delegate or delegates, so elected and commissioned, at any time within the year for which he or they may be appointed, and sending others in his or their room and stead; in which case, such delegate so sent in the room of any other that may be recalled, or that may die, or resign his seat in Congress, shall be commissioned and authorised to sit and represent this State in Congress only for the residue of the time not completed by such person so recalled, dying, or declining to serve the State in the Congress of the United States; any law, usage or custom to the contrary notwithstanding.

Vacancies how to be filled.

IV. *And be it further enacted* by the authority aforesaid, That if any vacancy shall hereafter happen in the delegation from this State to the Congress of the United States, by death, resignation, or refusal to act, during the recess of the Legislature, that it shall and may be lawful for the Governor and Commander-in-chief for the time being, by and with the advice and consent of the honorable the Privy Council, to appoint and commission, in manner aforesaid, any such fit and proper person and persons as they may think expedient, to sit and represent this State for the residue of the term not completed by such person dying, declining or refusing to represent this State in Congress, as aforesaid.

In the Senate House, the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1363. AN ACT to incorporate the Vestry and Churchwardens of the Episcopal Church of the Parish of Christ Church.

(Passed March 27, 1787. See last volume.)

A. D. 1787.

AN ORDINANCE for repealing part of an Ordinance passed the 26th day of March, in the year of our Lord one thousand seven hundred and eighty-four, in relation to Port Royal Causeway. No. 1364.

(Passed March 27, 1787. *See last volume.*)

AN ORDINANCE to enable the Court of Georgetown District to procure a Jury for the next Sessions; and for providing a new Jury List. No. 1365.

(Passed March 27, 1787. *See last volume.*)

AN ACT for repealing such Acts of Assembly as regulate and restrict the erection of houses below the Curtain Line, on the Bay of Charleston; to widen the Bay Street; and to permit houses, of any size, to be erected to the eastward of the same. No. 1366.

(Passed March 27, 1787. *See last volume.*)

AN ACT FOR RESTORING UNTO MRS. MARGARET ORDE SUCH PART OF HER ESTATE AS HAS BEEN CONFISCATED BY AN ACT ENTITLED "*An Act for disposing of certain Estates and banishing certain Persons therein named,*" PASSED AT JACKSONBURGH, THE TWENTY-SIXTH DAY OF FEBRUARY, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-TWO. No. 1367.

WHEREAS, Mrs. Margaret Orde, formerly Margaret Stevens, a native of this State, and wife of John Orde, formerly a captain in his Britannic Majesty's Navy, but now Governor of the Island of Dominique, hath petitioned the Legislature of this State that such part of her estate as became vested in the said John Orde, by virtue of his intermarriage with her, and which was confiscated by an Act entitled "*An Act for disposing of certain estates and banishing certain persons therein named,*" passed the twenty-sixth day of February, one thousand seven hundred and eighty-two, be restored to her; and whereas, her petition, from a full investigation of the circumstances attending her case, appears to be reasonable;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the estate, both real and personal, which belonged unto the said Mrs. Margaret Orde, previous to her intermarriage with the said John Orde, be, and is hereby, restored unto the said Mrs. Margaret

The estate of
Margaret Orde
restored to her.

A. D. 1777.

Orde, her heirs, executors, administrators and assigns, absolutely, for ever, for her sole and separate use and disposal, and free from the interference or intermeddling of her said husband; and that the said Margaret Orde shall have a right to give, grant, sell, bequeath or devise the same, as she may think proper, notwithstanding her coverture. Provided always, that this act of restoration shall not extend to any property actually sold by the commissioners of confiscation, or to any negroes given as bounty to the military.

In the Senate House, the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1368. AN ACT FOR REGULATING AND FIXING THE SALARIES OF SEVERAL OFFICERS; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, by reason of the large debt incurred by the Revolution, and the consequent great distress of the State, it behooves every good citizen to step forward in the duty required of him by his country on terms less burthensome to the public than heretofore;

Officers salaries.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That every officer hereinafter recited, elected or to be elected, shall, for the performance of the duties of his office, receive a certain salary, that is to say:

The Governor of the State, nine hundred pounds per annum.

Associate judges, five hundred pounds per annum each.

Attorney General, two hundred pounds per annum.

Delegates to Congress, six hundred pounds each, to be paid at the seat of Congress.

Private secretary to his Excellency the Governor, who shall also be clerk of the Privy Council, one hundred and fifty pounds.

Auditor of public accounts, three hundred and seventy-three pounds six shillings and eight pence, for one year; provided that the said auditor shall bring up his books, and have them ready for the inspection of the Legislature at their next meeting.

Commissioners of the treasury, five hundred and seventy-one pounds eight shillings and eight pence.

Clerk of the Senate, two hundred and eighty-seven pounds per annum.

Clerk of the House of Representatives, two hundred and eighty-seven pounds per annum.

Two messengers, one for the Senate, and the other for the House of Representatives, seventy pounds each per annum.

Two doorkeepers, fifty pounds each per annum.

Powder inspector and arsenal keeper, one hundred pounds per annum.

Collector of the customs for the port of Charleston, five hundred pounds per annum.

Collector of the customs for the port of Georgetown, one hundred pounds per annum.

Collector of the customs for the port of Beaufort, one hundred pounds per annum. A. D. 1737.

Two waiters of the customs for the port of Charleston, one hundred pounds each per annum.

Waiter of the customs for the port of Georgetown, thirty pounds per annum.

Waiter of the customs for the port of Beaufort, twenty pounds per annum.

Searcher of the customs for the port of Charleston, one hundred and fifty pounds per annum.

Which said salaries the commissioners of the treasury are hereby authorized and required to pay to each officer so recited, in quarterly payments, any law, custom, or usage, to the contrary notwithstanding. To be paid quarterly.

II. *And be it further enacted* by the authority aforesaid, That no officer of the Senate and the House of Representatives, shall hereafter take or receive, directly or indirectly, any fee or perquisite whatsoever, except by order of the House to which he respectively belongs; any usage or custom to the contrary notwithstanding. No officer of either House to receive any fee, &c.

III. *And be it further enacted* by the authority aforesaid, That no officer heretofore elected, or hereafter to be elected, to any pecuniary office in this State, above one hundred and fifty pounds, shall hold any other office of emolument under this or the United States. Officers not to hold any other office of emolument.

IV. *And be it enacted* by the authority aforesaid, That all Acts or clause or clauses of Acts, where the salaries of any of the aforesaid officers are fixed, so much of the said Act, clause, or clauses of Acts as relates thereto, is hereby repealed. Acts and clauses of acts repealed.

In the Senate House, the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT FOR ESTABLISHING A MARKET IN THE TOWN OF GEORGETOWN; No. 1369.

AND FOR EMPOWERING THE COMMISSIONERS THEREIN NAMED TO SELL AND DISPOSE OF A LOT OF LAND IN THE SAID TOWN; AND FOR APPOINTING AND AUTHORIZING COMMISSIONERS FOR THE TOWN AND MARKETS OF CAMDEN; AND FOR OTHER PURPOSES THEREIN MENTIONED.

WHEREAS, the place allotted and set apart in the original plan of the town of Georgetown, for a market place, is at too great a distance from the settled part of the said town to be made use of by the inhabitants thereof for the said purpose; Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That the public market place in the said town shall hereafter be and continue in the centre of Front or Bay street, at the end of Broad street; and the said place shall be held, deemed, and taken to be the market for selling and exposing to sale all sorts of wholesome meats, provisions, and other necessities, and for the resort of all or any of the in- Location of the market house.

A. D. 1757.

habitants of this State for buying any of the provisions sold or exposed to sale therein; and if any person or persons, usually following the trade or occupation of a butcher, shall expose to sale any butcher's meat in any other place in the said town, or within one mile thereof, than in the said market, every such person so offending, and being thereof convicted before the commissioners hereinafter directed to be chosen, or any three of them, on the oath or solemn affirmation of one or more persons, shall forfeit the meat so exposed to sale, and the sum of five pounds for every such offence: one moiety thereof to the use of the poor of the parish of Prince George, the other to the informer: to be recovered by warrant under the hands and seals of any three of the said commissioners, and levied by distress and sale of the offender's goods.

Unwholesome
meats to
be destroyed.

II. *And be it further enacted* by the authority aforesaid, That if any person or persons shall expose or offer to sale in the said market, any poor carrion, blown, puffed up or unwholesome meats, the said commissioners, or a majority of them, on complaint thereof made, and such complaint appearing to them to be true, are hereby empowered to cause the same to be taken away and burnt, or otherwise destroyed.

Negroes not al-
lowed to sell
without a ticket

III. *And be it further enacted* by the authority aforesaid, That if any negro or other slave shall sell or expose to sale in the said town any rice, corn, poultry, or other provisions, (fresh fish excepted,) without a ticket from his or her respective master or mistress, overseer, or employer, particularly enumerating the articles so exposed to sale, it shall be lawful for any white person to seize such articles, and to apprehend and bring such slave before the said commissioners or any three of them, who are hereby required and empowered to condemn all such articles which shall not be specified in the said ticket, as forfeited to the use of such person seizing the same.

Commissioners
to contract for
building a
market house.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, be empowered to contract with any person or persons for the building a market house with convenient stalls, on the place allotted for the market as aforesaid, and to receive subscriptions for carrying the same into effect; and also to let to hire the several stalls to be built in the said market, at such rates as they shall think reasonable; and the moneys arising therefrom to apply in the first place towards the payment of the sums of money to be subscribed as aforesaid, and the remainder thereof (after deducting the necessary expenditures in repairing and keeping clean the said market) to be applied towards defraying the expenses of keeping clean the streets of the said town, as is hereinafter directed.

Weights and
measures to be
of brass or iron.

V. *And be it further enacted* by the authority aforesaid, That all weights and measures to be used in the said market shall be of brass or iron, and be made agreeable to the standards thereof as fixed in Charleston, and if any person whatsoever shall presume to sell in the said market any commodities by any weight or measure under the said standards, or by false scales and beams, the person or persons so offending shall forfeit the sum of five pounds for the first offence, and ten pounds for every like offence afterwards; the one-half thereof to be applied towards keeping clean the streets as aforesaid, the other to the informer: to be recovered by the said commissioners as before directed.

Commissioners
to contract for
cleaning streets

VI. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall also have full power and authority to agree with any person or persons to keep the streets and other public parts of the said town clean and in repair, and to remove all filth and public nuisances therefrom.

VII. *And be it further enacted* by the authority aforesaid, That if any person shall lay any timber, brick, dirt, or any other obstruction or annoyance whatsoever, in the said streets or other public places, so as to obstruct the passage of any persons or carriages through the same, and shall continue the same for three hours therein, without the consent of a majority of the said commissioners, then the commissioners, or any two of them, may, by order under their hands, direct the person so laying, or ordering such annoyances to be laid, in the said streets or other public places, to remove the same within three hours after such order; and in case such person shall refuse or neglect so to do, then the said commissioners, or a majority of them, are hereby empowered to have the same removed, and to assess the person or persons so laying such annoyance, for the charges of removing the same, who shall also forfeit the sum of two pounds for every day he, she, or they shall suffer such annoyance to be and remain in any of the said streets or public places, after such order given for removing the same; the said expenses and penalty to be recovered by the said commissioners as before directed, and to be applied towards defraying the expenses of keeping clean the said streets as aforesaid.

A. D. 1787.

Penalty on persons allowing obstructions to remain in the streets.

VIII. And whereas, the trustees named in the grant of the said town by John Cleland and others, are long since dead, and their representatives now reside at so great a distance from the same as to be unable to exercise the powers and authorities given and reserved to them by the said grant; *Be it therefore enacted* by the authority aforesaid, That all and singular the said powers and authorities are hereby divested out of the said trustees, and the same (except such as are herein altered) shall hereafter be vested in the said commissioners, and their successors, in as full and ample a manner as they were before vested in the said trustees.

Powers of the trustees vested in the commissioners.

IX. *And be it further enacted* by the authority aforesaid, That on the first Monday in May next, and on every first Monday in April thereafter, between the hours of nine in the morning and four in the afternoon, the taxable inhabitants of the said town shall choose by ballot five commissioners for carrying this Act into execution; and shall also choose a clerk of the market, who shall have the same powers as are usually exercised by the clerk of the market of the city of Charleston; and the churchwardens for the time being of the said parish of Prince George, are hereby authorized and required to conduct the said election, they giving two weeks public notice thereof previous to the same; and in case any person so chosen as commissioner, shall refuse to act, or neglect doing his duty as aforesaid, every such person shall forfeit the sum of five pounds, to be recovered by summary proof, on proof of such refusal or neglect before one of the judges at the circuit court of the district of Georgetown; and the money so recovered shall be paid to the acting commissioners, to be applied towards defraying the expenses of keeping the said market in repair, or keeping clean the streets and other public places of the said town: provided that no person shall be compelled to act as a commissioner for more than one year, in any term of three years.

Inhabitants to choose commissioners, clerk, &c.

X. *And be it further enacted* by the authority aforesaid, That if any person or persons shall oppose, obstruct, or insult the said commissioners, or any of them, in the execution of their or his duties, such person or persons so offending shall forfeit the sum of ten pounds, to be recovered on oath before any one of the justices of the peace for the district of Georgetown, to be applied as is herein last directed.

Penalty on persons insulting commissioners.

XI. *And be it further enacted* by the authority aforesaid, That in case the said commissioners, clerk of the market, or other person whatsoever, shall be sued for any matter, cause, or thing, by them or any of them done.

General issue may be pleaded.

A. D. 1787.

in pursuance of the directions of this Act, it shall and may be lawful for them to plead the general issue, and give this Act and the special matter in evidence.

Commissioners appointed to keep in order the streets of Camden.

XII. *And be it further enacted* by the authority aforesaid, That five commissioners be appointed for repairing, cleaning, and keeping in order the streets of the town or village of Camden, and for regulating the market of the said town or village, and that they be elected at Camden in the same manner, and that they be invested with all the powers and authorities by this Act above specified and given to the commissioners for the town and market of Georgetown; and as much of the last enacting clause of an Ordinance entitled "An Ordinance to prohibit the keeping or raising hogs at large in the towns of Beaufort and Georgetown, and for other purposes therein mentioned," relative to the town of Camden, as may be inconsistent with this clause, be, and the same is hereby, repealed.

Commissioners empowered to sell the market lot in Georgetown.

XIII. *And be it further enacted* by the authority aforesaid, That the commissioners herein appointed be, and they are hereby, fully authorized and empowered to sell or dispose of, in such way and manner as they may think proper, the lot of land laid off in the plan of the said town of Georgetown for a market place, and to make good and sufficient titles to the purchaser or purchasers thereof, and shall apply the moneys arising from the sales thereof, towards building the market house; and that the said commissioners have full power and authority to fix and establish the rates of wharfage and storage in said town.

In the Senate House, the twenty-seventh day of March, Anno Domini one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1370. *AN ACT FOR RAISING SUPPLIES FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY SEVEN.*

Preamble.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner herein mentioned, should be assessed, raised, and paid into the public treasury of this State for the use and service thereof;

Rate of taxation on lands.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the sum of one per centum ad valorem, shall be, and is hereby, imposed on all lands granted within this State, and in the manner and under the several regulations hereinafter set forth and expressed, that is to say: 1. All tide swamp not generally affected by the salts or freshes, of the first quality, shall stand rated at six pounds per acre; of the second quality, four pounds per acre; of the third quality, two pounds per acre; all prime barren lands adjoining such swamps, or contiguous thereto, with respect to the benefit of water carriage, at ten shillings per acre; all prime inland swamp, cultivated and uncultivated, at an average of three pounds per acre; second quality,

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ditto, two pounds per acre; third quality, ditto, one pound per acre; pine barren lands, adjoining or contiguous thereto, at five shillings per acre. 2. Saltmarsh or inland swamp, clearly proved to the assessors to be incapable of immediate cultivation, five shillings per acre; high river swamp, or low grounds, cultivated and uncultivated, including such as are commonly called second low ground, lying above the flowing of the tides, and as high up the country as Snow Hill, on Savannah river, the fork of Broad and Saluda rivers, on the Congarees, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality at three pounds per acre; the second quality at two pounds per acre; the third quality one pound per acre; except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, which shall be assessed at five shillings per acre. 3. All high river swamp, or low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, fifteen shillings per acre. 4. All high lands without the limits of St. Philip's and St. Michael's parishes, on John's island, James island, and on the main, within twenty miles of Charleston, at one pound per acre. 5. All lands on the Sea islands, Slann's island included, or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation in corn or indigo, and not within the limits prescribed in class number four, one pound per acre. 5. All oak and hickory high lands lying below Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, or the boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers four and five, at fifteen shillings per acre. 7. All pine barren lands not included in classes number one, four, and five, to be assessed at one shilling per acre. 8. All oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality, ten shillings per acre; the second quality, five shillings per acre; the third quality, two shillings per acre. 9. All oak and hickory lands above the old Indian boundary line, the first quality, six shillings per acre; the second quality, three shillings per acre; the third quality, one shilling per acre. That all lands within the parishes of St. Philip and St. Michael, shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to the lands in the country.

II. *And be it further enacted* by the authority aforesaid, That the sum of nine shillings and four pence shall be levied on all negroes and other slaves whatsoever, within the limits of the State, and the sum of one per cent. on every hundred pounds value of every lot, wharf, or other lands, and on all buildings within the limits of any town, village, or borough, in this State; and the sum of nine shillings and four pence upon each wheel of every carriage, except wagons, carts, and drays; and the sum of nine shillings and four pence upon all free negroes, mulattoes, and mustazoes, from sixteen to fifty years of age; and ten shillings per head on all free white men, neither lame or otherwise disabled, from twenty-one to fifty years of age, who pay no other part of the taxes imposed by this Act; and the sum of one per cent. on every hundred pounds of every person's stock in trade, of persons in trade, shopkeepers and others; and the like sum of one per cent. on the profits of faculties and professions, (clergymen, schoolmasters and schoolmistresses excepted,) and factorage employments throughout this State—to be ascertained and rated by the several assessors and collectors hereinafter named, according to the best of their knowledge and information; three-fourths whereof to be paid in special indents, specie, or the paper medium of this State.

Rate of taxing
slaves, &c.Persons
exempted.

III. *And be it further enacted* by the authority aforesaid, That to facilitate
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Special indents
to be emitted.

tate the payment of taxes hereby imposed, immediately after the passing of this Act, special indents to the amount of one year's interest, be emitted in the words following: Pursuant to the Act for raising supplies for the year 1787 one thousand seven hundred and eighty-seven, this special indent of ——— shall be received in payment of taxes for the years 1784, 1785, 1786, and 1787, indiscriminately. Which special indents shall be of the following denominations, viz.

1,000	£20	£20,000
2,000	10	20,000
2,000	6	12,000
1,000	5	5,000
1,000	3	3,000
2,000	1	2,000
2,000	10s	1,000
3,500	5	875
1,000	2 6d.	125

And be printed in the presence and under the directions of Peter Bacot, William Roper, and Edward Trescott, and with such devices as they, or any two of them, shall direct, and be countersigned by one of the commissioners of the treasury, and delivered to the holders of indents, their agents, or attorneys, to the amount of one year's interest on the principal of each and every indent, any time after their said interest shall become due; and on the payment of these special indents, a receipt shall be endorsed on the principal indents respectively, for one year's interest due thereon; and these special indents shall be issued from the treasury on no other occasion than on the application of holders of indents as aforesaid, and after being issued to the holders of indents they shall be received by the collectors and treasurers in payment of taxes for the years 1787, 1786, 1785, and 1784, indiscriminately; and after they are paid into the treasury, they never shall be re-issued, but be crossed with a pen by the treasurers, and said; provided, that no special indent shall be issued to any person or his agent, who shall be indebted to this State on indent, and which debt, or the interest thereon, shall be due at the time of such application for such special indent, until the person or his agent shall have discharged such debt in demand so due to this State.

Indents paid
into the treasury
and to be
re-issued.Disposal of
certificates.

IV. And be it further enacted by the authority aforesaid, That the special indents for the years 1784, 1785, 1786, and 1787, be indiscriminately received in payment of the taxes imposed by this Act or the Acts imposing taxes for the years 1784, 1785, and 1786.

Appropriation.

V. And be it further enacted by the authority aforesaid, That the moneys now due, or which shall become due, for duties on negroes, goods, ware, and merchandises, entered on the treasury before the first day of January, one thousand seven hundred and eighty-eight, are hereby appropriated, first, to the payment of the civil list; secondly, to the payment of the whole of the interest of the foreign debt; and thirdly, to the contingent expenses of the Government of this State.

Requisition
on the
United States
Congress.

VI. And whereas, the honorable Congress of the United States did, on the thirteenth day of October, one thousand seven hundred and eighty-one, and on the twenty-seventh and twenty-eighth day of April, one thousand seven hundred and eighty-four, apportion and make a requisition of one hundred and eighty-six thousand seven hundred and ninety-nine dollars; and also on the twenty-ninth day of September, one thousand seven hundred and eighty-five, one other requisition of one hundred and ninety-two thousand three hundred and sixty-six dollars; and likewise on the second day of August, one thousand seven hundred and eighty-six, a farther requisition of one hundred and thirty-nine thousand and seventeen

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dollars, payable in specie; and whereas, the treasurers of the United States have given credit to this State for one hundred and eighty-six thousand seven hundred and ninety-nine dollars, as payment of the first requisition aforesaid; and also of one hundred and ninety-two thousand three hundred and sixty-six, as payment for the aforesaid second requisition; and likewise of sixty-four thousand and seventy-nine thirty-eight ninetieths as a partial payment upon the aforesaid third requisition; leaving a balance of seventy-four thousand nine hundred and thirty-seven fifty-two ninetieths unsatisfied; and whereas, the State of South Carolina did, in the year one thousand seven hundred and eighty-four, pay, by her treasurers, to the receiver of continental taxes, seventy-two thousand two hundred and twelve thirty-eight ninetieths in specie, as part of one hundred and twenty thousand, being the apportionment of this State of the two millions requisition of October the sixteenth, one thousand seven hundred and eighty-two; and whereas, the Congress of the United States have discharged the requisition of the two millions of dollars, and the treasurers of the United States have placed the aforesaid payment in specie against the specific requisition of Congress, of twenty-fifth day of February, one thousand seven hundred and eighty, but it is just and reasonable that this State, having actually paid the aforesaid seventy-two thousand two hundred and twelve thirty-eight ninetieths in specie, should have credit for the same against the specie requisitions of Congress, and that the same should not be carried to their credit against the specific requisition aforesaid; and whereas, by the statement aforesaid of the payments of sixty-four thousand and seventy-nine thirty-eight ninetieths, and seventy-two thousand two hundred and twelve and thirty-eight ninetieths, and also two thousand one hundred and forty-two and seventy-seven ninetieths dollars, advanced Benjamin Hawkins, Esquire, the continental commissioner of Indian affairs at the special requisition of the honorable the Congress, there appears a balance of five hundred and eighty-two and sixty-five ninetieths dollars, due to the United States upon the third requisition aforesaid; *Be it therefore enacted* by the authority aforesaid, That the treasurers of this State do pay to the continental receiver of taxes in this State, or to any other person duly appointed or authorized by Congress to receive the same, the aforesaid balance of five hundred and eighty-two and sixty-five ninetieths, out of any moneys which shall come into the treasury of this State for the taxes imposed by this or any former tax Act, in specie or the paper medium aforesaid; any law to the contrary notwithstanding.

VII. And whereas, the honorable the Congress of the United States did, on the twenty-first day of October, one thousand seven hundred and eighty-six, make a requisition of thirty-three thousand nine hundred and seventy-three dollars, payable in specie by this State, for the purpose of raising and paying certain troops which they were engaging in their service; *Be it further enacted* by the authority aforesaid, That the treasurers of this State do pay to the continental receiver of taxes in this State, or to any other person duly appointed or authorized by Congress to receive the same, the amount of the aforesaid requisition of thirty-three thousand nine hundred and seventy-three dollars, out of any moneys which shall come into the treasury of this State for the taxes imposed by this or any former tax Act, in specie or the paper medium aforesaid, any law to the contrary notwithstanding: provided nevertheless, that if the honorable the Congress of the United States should discharge the aforesaid requisition of thirty-three thousand seven hundred and ninety-three dollars, the moneys so paid shall be carried to the credit of this State for any future specie requisitions which may hereafter be made upon this State by the Congress of the United States.

Requisition to
be paid to Con-
gress.

A. D. 1767.

Death to count-
ertaint.

VIII. *Be it further enacted*, by the authority aforesaid, That whosoever shall alter, erase, or counterfeit any of the special indents to be emitted as aforesaid, or shall pass, or offer to pass, any of them, knowing them to be altered, erased, or counterfeited, shall, on conviction thereof, suffer death without benefit of clergy.

Inquirers and
collectors
appointed.

IX. *And be it further enacted* by the authority aforesaid, That the several persons hereafter named, shall be inquirers, assessors, and collectors for the several parishes and districts hereinafter mentioned, viz. for the parish of Christ Church, John Satebille, George Barksdale, and Jacob Bond Parr; for the parish of St. James, Goose Creek, Henry Gray, Richard Wayne, and Peter Gray; for the parish of St. John's, Berkley county, Keating Simons, Theodore Gourdine, and Gideon Kirke; for the parish of St. George, Dorchester, Morton Waring, John Idon, and Elisha Hall; for the parish of St. Thomas and St. Denis, Thomas Kameon, and Stephen Fogartie; for the parish of St. Andrew, (James island excepted,) Abraham Ladson, Richard Scott; for that part of the parish called James island, Benjamin Stone, Robert Rivers; for the parish of St. John, Colleton, viz. for John's island, John Holmes, junior; for Wadmelaw, Joseph Stanyarnes; for Edisto island, Isaac Jenkins; for the parish of St. Paul, that is to say, for the south side of Cacaw swamp, as far as Colonel Skyring's, and along the main road to Jacksonborough, Pon Pon, Wiltown, and Togodo, Joseph Edings, junior; and for the north side of the Swamp, Beech Hill, and Horse Savannah, in the said parish, Robert Miles; for the parish of St. Bartholomew, John Logan, Thomas Ford, and Joseph Glover; for the upper district of St. Bartholomew, viz. the northwest of Black creek and the main waters of the great swamp, directly across to Pon Pon river, Thomas Miller, Joseph Stephens, and Adam Chiser; for the Cambahsee, and Chehaws, in said parish, Samuel Elliott, William Farguen, and Joseph Morreson; for the parish of St. James, Santee, Isaac Dubose, and John Wells; for the parish of St. Stephen, Peter Gaillard, and John Peyre; for the parish of Prince George, Winyaw, Robert Donnon, Hugh Giles, John Tamplatt, James Coachman, Thomas Dunbar, and Thomas Boone; for the parish of All Saints, David Graham, and Daniel Morral; for the parish of St. David, Robert Ellison, Alexander Craig, and Josiah Evans; for the parish of Prince Frederick, Abraham Peret, John James, junior, and Thomas Potts.

Inquirers for
the district be-
tween Orange-
burgh and
Charleston.

X. Whereas, doubts have arisen to what parish or district the inhabitants residing between the old and new lines of Charleston and Orangeburgh districts belong: *Be it therefore enacted* by the authority aforesaid, That the inhabitants residing between the old and new lines of Charleston and Orangeburgh districts, shall be considered as belonging to the parish of St. Matthew; and the inquirers, assessors and collectors, of the parish of St. Matthew, are hereby required and authorized to demand and recover the taxes from the inhabitants residing in the limits aforesaid, imposed by this law and also all arrears of taxes that may be due from them for the years one thousand seven hundred and eighty-three, and one thousand seven hundred and eighty-four. For the parish of Saint Matthew, John Linton, James Carmichael, and Daniel Kelley; for the parish of Orange, Samuel Royle, and David Rumph; for the parish of Saint Helena, Port Royal, Charles Givens, David Adams, and Jacob Guerard; for the parish of Saint Peter, Purisburgh, John Chisolm, Cornelius Dupont; for the parish of Prince William, John Lightwood, and Stephen De Veaux; for the district to the eastward of the Wateree, William McConico, George Cooper, William Wright, James Davis, James Rembert, Benjamin Carter, William Massey, Benjamin Hale; for the district of Ninety-Six, Patrick Calhoun, George Whitfield, Alexander Elliot,

Charles Davenport, Adam Crain Jones, William Anderson, John Gray, John Martin, and John Wilson; for the district of Saxe Gotha, Jonas Beard, John James Haig, and Joseph Culpeper; for the district between Broad and Saluda rivers, in three divisions, viz. the lower district, Major John Hamton, John Means, Philemon Waters, John Fuhner; Little River district, William Hunter, John Odle, Daniel Dyson, Robert Maxfield, Charles Smith; Upper district, Thomas Blasinghame, Adam Potter, Thomas MacDonald, James Jordan, William Benson, Samuel Lancaster, Joseph Whitner, John Ford, John Hunt; for the district between Broad and Catawba rivers, William Daniel, John Robertson, James Thomas, Thomas Shannon, John Herbert, Kempe Tollifario Shother, Willis Whitacre, Andrew Ellison, John Hopkins, William Goodwyn, Thomas Hutchinson, Isaac Love, Reuben Starkes, John Wynn, junior, Micajah Pickett, John Mills, junior, James Pedon, Benjamin Love, John Pratt, Thomas Leweis; for the district called the New Acquisition, William Moore, Edward Byers, Hervey Craig; for the district between Savannah and North fork of Edisto, William Holmes, Joseph Harley, Daniel Greene, William Davis, and James Fair.

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XI. *And be it further enacted* by the authority aforesaid, That Peter Bacot, William Roper and Edward Trescot be, and they are hereby, appointed enquirers, assessors and collectors for the parishes of St. Philip and St. Michael, Charleston.

Inquirers, &c.
for St. Philip &
St. Michael.

XII. *And be it further enacted* by the authority aforesaid, That every assessor and collector of the several taxes imposed by this Act shall, before he enters on the execution of his said office, before some one of the judges of this State, or some one justice of the peace, take the following oath, to wit: "I, A B, do solemnly promise and swear that I will, to the best of my knowledge, skill and judgment, ascertain the several qualities of the lands lying and being within the — where I am appointed assessor, and where no return of the qualities or the same shall have been made; and that I will not, for any fee or reward, favor, partiality, self-interest, malice or hatred, in favor of or against any person or persons whatsoever, assign any other quality to such lands, than in truth and good conscience they shall appear to me to deserve; and that I will impartially assess all other property and professions by this Act directed to be so assessed, according to the true intent and meaning thereof: So help me God." And if any assessor shall presume to execute the said office without having taken the said oath, such assessor shall forfeit and pay the sum of five pounds, to be recovered by any person who shall inform and sue for the same, by action of debt, in the court of common pleas.

Oath of assessors and collectors.

XIII. *And be it further enacted* by the authority aforesaid, That the inquirers, assessors and collectors of the parishes of St. Philip and St. Michael, or any one or more of them, are hereby ordered and directed, on or before the first Monday in September next, to go once to the several houses of the inhabitants of the said parishes, of which they shall give previous notice in the Gazette, three weeks before they shall go to the said houses, and inquire into and take an account of all the real estates, and particularly in what parts of the said parishes the said lands are situated, and of the slaves and other taxable property of the said inhabitants, which they shall be possessed of, interested in or entitled unto, in their own right or in the right of any other person whatsoever; and the inquirers in the other parishes and districts shall fix on some convenient place to receive returns, of which they shall give at least three weeks public notice.

Inquirers to give previous notice of their intention to call on the inhabitants to make returns.

XIV. *And be it further enacted* by the authority aforesaid, That all persons living within this State who are possessed of any lands, slaves or carriages (waggons, carts and drays excepted—lands whereon churches or

Persons to make return of their property on oath.

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other buildings for divine worship or free schools are erected and built, and all slaves appurtenant to or going with said churches and lands, and all monies appropriated for charitable uses, always excepted,) either in their own right or in the right of any other person or persons, who are liable to pay any other tax by virtue of this Act, shall return a particular account thereof in writing to the inquirers, at such time and place as the said inquirers, or any of them, shall appoint for the doing thereof, so that the same be done on or before the first Monday in October, which shall contain an enumeration of each lot of land, with the dimensions of and improvements thereon, and of his lands, with a particular account of the situation, quantity and quality of the same, and also the number of slaves, and the number of wheels of every riding carriage belonging to the person making the returns, which shall be attested in the words following: "I, A B, do swear (or affirm, as the case may be) that the account which I now give in is a just and true account of the quantity and quality of the lands, slaves and riding carriages, as are directed to be taxed by this Act, which I am possessed of, interested in or entitled unto, either in my own right or in the right of any other person or persons whatsoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatever, according to the best of my knowledge and belief; and that I will give a just and true answer, according to the best of my knowledge, to all questions that may be asked me touching the same; and this I declare without any equivocation or mental reservation whatsoever: So help me God." Which oath or affirmation the several inquirers and collectors appointed by this Act, are hereby duly authorised, enjoined and required to administer. Which returns shall be made to the inquirers and collectors for the parish or district respectively where the person making the return lives for the greatest part of the year.

Form of the oath.

Ratio fixed in case of improper returns.

XV. *And be it further enacted* by the authority aforesaid, That where inquirers receive returns of lands without specification of the parish or district in which they lie, or of lands lying in the parish or district of which the person who receives the return is the assessor, and the qualities of which are unknown to the person making the return, the inquirers who receive such returns shall, in both cases, value the lands so returned at not less than one shilling nor more than six pounds per acre, according to the best information they can get of the quality and situation of the lands so returned.

Assessors to publish their calculations.

XVI. *And be it further enacted* by the authority aforesaid, That any two of the assessors appointed in the parishes of St. Philip and St. Michael shall be a quorum; and the said assessors shall complete their calculation of the value of estates in the said parishes on or before the first day of November, and within seven days after they shall cause a duplicate thereof to be posted at the Exchange in Charleston for ten days, of which they shall give previous notice in the Gazette.

Persons overrated may swear off the overplus.

XVII. *And be it further enacted* by the authority aforesaid, That any person who shall have reason to believe he or she is overrated, or whose attorney or attorneys shall have reason to believe he or she is overrated, by such assessors shall, at the time of payment of his or her tax, be allowed to swear off so much as he, she or they, or his or their attorney or attorneys, shall think they are overrated, before the assessors or collectors as aforesaid; and the said assessors and collectors, or any of them, are hereby empowered and required to administer such oath, and shall allow an abatement accordingly.

XVIII. *And be it further enacted* by the authority aforesaid, That all persons whatsoever, any ways liable to pay tax by virtue of this Act, shall pay in their taxes to the several persons hereby appointed to receive the

same, on or before the first day of January next; and the collectors shall give a receipt, if required, to the person paying the same, such person writing such receipt. And the said inquirers, assessors and collectors, for the several parishes respectively within this State, shall close their accounts with the treasurers on or before the first day of March, one thousand seven hundred and eighty-eight; and at the closing of their accounts they shall exhibit two lists, one containing all the taxable property returned to them, annexed to the names of the persons who returned the same, with the sums paid by them respectively; a second, all the taxable property lying and being in the parish or district, which has come to their knowledge, and has not been returned; which lists shall be given to the treasurers, and their accounts closed on oath, in the following words: "I, A B, do swear (or affirm, as the case may be) that the accounts I now give in, and the lists I now return, are just and true, according to the best of my knowledge, and that I have used all legal means in my power to obtain payment of the taxes imposed by this Act, in the parish or district in which I have been appointed inquirer, assessor or collector." Which oath the treasurers, or either of them, are hereby empowered and required to administer.

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Taxes on real
estate, &c.
when to be
paid.

Oath.

XIX. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury are hereby authorised and required to pay to the collectors of the general tax, upon closing their accounts for the tax to be raised by this Act, viz. for Charleston, two and a half per cent., and all other collectors five per cent., out of any monies in the treasury, on the amount of such sums as shall be by them, or any of them, paid into the public treasury. And the inquirers, assessors and collectors for each parish and district, shall make their returns of such parish or district respectively to the treasurers at one and the same time; and the collectors for each parish or district shall give an account in writing upon oath, as aforesaid, of their own lands, slaves and other taxable property, after the manner aforesaid, to the commissioners of the treasury, and pay the taxes thereon, according to the rates by this Act appointed.

Allowance to
collectors.

XX. *And be it further enacted* by the authority aforesaid, That if any person or persons, in giving in or rendering his or her account of taxable property, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax of what they have so concealed.

Penalty on
concealment.

XXI. *And be it further enacted* by the authority aforesaid, That any person neglecting or refusing to give in his or her account of the lands and slaves or other taxable property, to the inquirers, assessors and collectors aforesaid, respectively, at such time and place as they shall appoint, agreeable to this Act, or by the first Monday in September for Charleston, and the first Monday in October next for all other parts of the State, he or she shall be deemed a defaulter, and shall be by the inquirers and collectors doubly taxed for all his or her lands or slaves, or other taxable property, according to the best information the inquirers can get of his or her taxable property.

When deemed
a defaulter.

XXII. *And be it further enacted* by the authority aforesaid, That in case any person or persons whosoever shall neglect or refuse to pay in his, her or their tax, at the days and times hereinbefore mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall immediately hang up for ten days a list of defaulters at the Exchange in Charleston, and some public place in the respective parishes or districts in the country: and if the taxes are not paid within these ten days, they shall, without further delay, levy the same, by virtue of a warrant by them or any of them to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables living nearest to the place where

Warrants to be
issued against
defaulters.

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Form of the
warrant.

such defaulter lives or resides, requiring him or them to levy the same by distress and sale of the defaulter's goods, to be paid in special indents, specie, or the paper medium, returning the overplus, if any there be, to the defaulter, upon deducting the reasonable charges. And if no such distress can be found, and the defaulter shall neglect or refuse to produce goods or effects whereon the monies so assessed may be forthwith levied, then the said constable or constables, by virtue of the said warrant, shall take the body of such defaulter and convey him to the common gaol in the district or county where such defaulter resides; which warrant shall run in these words, making the proper alteration: " — Collectors of the general tax for the parish or district of — to — constable for the parish or district of —, or to the sheriff for — district or county, in the State of South Carolina, or to his lawful deputy: Whereas — hath been duly assessed by us, the subscribers, collectors of the tax for the parish or district of —, the sum of —, for defraying the charges of the —, which — hath neglected to pay; these are, therefore, in the name of the State, strictly to charge and command you to levy, by distress and sale of the goods and chattels of the said —, the sum of — together with the charges thereof; and in case the said — shall refuse or neglect to produce goods and chattels, sufficient to levy the said distress and the charges thereon, that then you take the body of the said — and convey — to the common gaol in the district or county, commanding you the keeper of the said gaol to detain the body of the said — in his custody until — shall pay the sum of —, together with the charges of keeping and detaining as aforesaid; and for so doing this shall be your sufficient warrant. Given under our hands and seals, this — day of —, Anno Domini —." And the sheriff or other officer to whom such warrant shall be directed shall detain such person in the gaol, without bail or mainprize, until the debt and charges aforesaid shall be satisfied. And the constable and constables to whom such warrant shall be directed shall take from such defaulter the following fees in the execution of their office, to be paid in the current money of the State, viz. for serving every execution four shillings and eight pence, and for all sums to be levied as aforesaid five per cent., and no mileage or any other fee whatever; and the assessors and collectors respectively for every such warrant he or they shall issue, shall also have from such defaulter two shillings and six pence.

Fees of constables, &c.

Penalty on
neglect to
make return
or pay tax.

XXIII. *And be it further enacted* by the authority aforesaid, That if any taxable person shall neglect to give an account as aforesaid of his or her estate to the said inquirers and collectors, by the time limited in this Act, or shall omit or neglect to pay his or her own tax, or the tax to be assessed by virtue of this Act on any person for whom he or she is guardian, executor, attorney or trustee, by the time limited, the said collectors respectively where such taxable person lives, are hereby empowered and required to issue their warrant, in the same manner as above directed; and in case the said assessors and collectors shall not have just information what such person's tax doth amount to, the said warrants shall run for double what they shall judge such persons ought to be rated, and such persons shall be dealt with in all other respects as defaulters.

Taxables dying
or departing.

XXIV. *And be it further enacted* by the authority aforesaid, That the taxes imposed by this Act shall be preferred to all securities and incumbrances whatsoever; and that in case any person shall happen to die between the time of giving in his or her account of his or her tax, and any goods or chattels of the deceased, to the value of the sum he or she was assessed at, shall come into the hands of his or her executors or administrators, they shall pay the same by the time before limited, prior to all judgments, mortgages and debts whatsoever, or otherwise a warrant of execution shall issue

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against the proper goods of such executors and administrators. And if any person between the time of rendering the account of his or her estate to the inquirers or collectors as aforesaid, and the time of paying his or her tax, shall be about to depart this State, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such persons will find securities to be approved of by the assessors and collectors for the payment thereof at the time appointed.

XXV. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury, inquirers, sheriffs, constables, and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of one hundred pounds; and the several assessors and collectors, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, shall, for every such neglect or refusal, forfeit the sum of three hundred pounds; to be sued for by the commissioners of the treasury, for the use of this State, or by any other person or persons who will sue for and recover the same, the one half to such person or persons and the other half to the use of this State.

Penalty on officers for neglect.

XXVI. *And be it further enacted* by the authority aforesaid, That in case any assessor or collector of the present or any former taxes shall neglect or refuse to give in, upon oath, to the commissioners of the treasury, a just and true account of all monies received by him or them, or due to the State, on account of the tax herein imposed, or on account of any former tax, within their several and respective districts, by the time hereinbefore limited, that then it shall be lawful for the commissioners of the treasury for the time being, or any one of them, by warrant under his or their hand and seal, to commit such assessors or collectors to the common gaol in the district wherein he resides, there to remain, without bail or mainprize, until he or they shall have rendered upon oath, to be taken before one of the justices of the peace, a full and satisfactory account of, and shall have paid, all such sums as aforesaid by him or them collected during the time he or they were collectors, and shall have given in to the commissioners of the treasury an account of all monies received by him or them, which are due to this State, by virtue of this or any former tax Act, and the reasonable charges of such commitment.

Penalty on collectors for default.

XXVII. *And be it further enacted* by the authority aforesaid, That in case any of the inquirers, assessors and collectors beforementioned, should happen to die, refuse to act, or depart this State, or remove out of the parish or district for which he is by this Act appointed, before the powers and authorities hereby given them are executed, then his Excellency the Governor or Commander-in-chief for the time being, is hereby empowered, from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons in the room of him or them so dying, refusing to act, or departing this State, or removing out of the parish or district; and the person or persons so appointed shall have the same powers and be under the same penalties as the inquirers, assessors and collectors hereby nominated.

Vacancies how to be filled.

XXVIII. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury for the time being, or any of them, be, and they are hereby, empowered and required to grant executions against all former constables and collectors of taxes, and all persons in arrear for

Commissioners of the treasury to compel payment of arrears.

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taxes, and against all assessors and collectors of the present taxes, hereby imposed, if the same shall not be paid on or before the time is elapsed for paying the same; and he and they is and are hereby directed and required to prosecute all and every person or persons whatsoever neglecting or refusing to do and perform the several matters required by this Act, for the recovery of the penalties inflicted by the same for any refusal or neglect.

Commissioners
of indents
dying or refus-
ing to act.

XXIX. *And be it further enacted* by the authority aforesaid, That if the persons heretofore or hereby appointed to superintend the emissions of special indents should neglect or refuse to act, or die, or depart the State, his Excellency the Governor or Commander-in-Chief for the time being, is hereby authorised to appoint one or more proper persons for that business, who shall respectively have the same authorities as those who are appointed by this Act.

Persons may
plead the gene-
ral issue.

XXX. *And be it enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, commissioners of the treasury, sheriffs, constables, or other persons, shall be sued for any matter or thing by him or them done in the execution of this Act, it shall and may be lawful for such person or persons to plead the general issue, and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a nonsuit, or discontinue his action, the said defendant or defendants shall recover treble costs of suit.

Time of pay-
ment.

XXXI. *And be it further enacted* by the authority aforesaid, That every person shall be liable to pay taxes for the present year for the property, real or personal, of which he or she shall stand seized, or having the custody of, either as attorney or agent, or guardian or executor, or in his or her own right, as tenant in fee simple, or by courtesy, or for life, or in right of his wife, on the first day of October next ensuing; and all taxes on real or personal property which shall be sold and conveyed on the said first day of October shall be returned and paid by the seller thereof; any law, usage or custom to the contrary notwithstanding.

Attorneys and
trustees of ab-
sent persons,
liable on the
tax assessed on
the property
of such absent
persons.

XXXII. *And be it further enacted* by the authority aforesaid, That all and every person or persons heretofore acting as an attorney or attorneys, trustee or trustees, for any person or persons not residents within this State, shall make oath before the collectors respectively that he hath bona fide renounced his power and attorneyship before the payment of the said tax becomes due, without having done it only with an intention to avoid the payment of the said tax. Provided always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax as is hereinbefore directed, any thing hereinbefore contained to the contrary notwithstanding; and for levying whereof the same remedies shall be, and they are hereby, given as for levying the tax to become due by virtue of this Act on the proper estate of such attorney or trustee.

Lands &c. of ab-
sent persons, for
which taxes are
not paid, may
very, declared
for it.

XXXIII. *And be it also enacted* by the authority aforesaid, That in case any tract or tracts of lands, negroes, or any other taxable property, shall be found by the inquirers or collectors to belong to any person or persons living or residing out of the limits of this State, and have no attorney or attorneys, trustee or trustees, legally constituted, in this State, or which have not been returned to any of the inquirers, assessors or collectors appointed by this Act, then and in such case the inquirers, assessors or collectors shall be, and they are hereby, authorised and required to charge the said lands, negroes, or any other taxable property, for the payment of the tax herein imposed, and for all taxes due by virtue of any former tax Act, rateably

and proportionably, according to the quantity and quality of the lands, negroes, and other taxable property, as if the same were in the actual possession of some person or persons living and residing in this State, and forthwith to publish and give notice of such their charge and assessment in the several Gazettes of this State. And in case the sum or sums of money with which such lands, negroes, or any other taxable property, shall be so charged as aforesaid, and the lawful interest from time to time of the assessment made, shall not be paid to the inquirers, assessors and collectors, or to the commissioners of the treasury of this State, within one year next after notice shall be given as aforesaid, that then such lands, negroes or other taxable property, shall be forfeited to the State, and shall be sold at public vendue by the commissioners of the treasury for the time being, for ready money; and all the money arising therefrom shall be retained in the public treasury, to be disposed of as the General Assembly shall see fit; any law, usage or custom to the contrary thereof in any wise notwithstanding. Provided always, that nothing in this Act contained shall extend to prejudice the rights of infants or femme coverts, who shall be entitled to their lands, negroes, or any other taxable property, upon claiming the same, within two years after they come of age or become discoverts, upon their paying and discharging all taxes and arrears of taxes, that shall and may be due and unpaid thereon, and satisfying the lessee of such lands for all improvements made thereon.

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Taxes not paid
in one year,
lands, &c. de-
clared forfeit.

Proviso.

XXXIV. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury are hereby required to furnish copies of this Act to each of the assessors or collectors hereby appointed, within three months after the passing of this Act, and their reasonable expenses incurred thereby shall be reimbursed.

Treasurers to
furnish copies
of this Act.


ESTIMATE

Of supplies wanted for the support of Government, for the year one thousand seven hundred and eighty-seven.

His Excellency the Governor's salary, - - -	£ 900 00 00
Four Judges of the General Sessions and Common Pleas, at £500 each, - - -	2000 00 00
Attorney General, - - -	200 00 00
Three delegates to Congress at £600 each, - - -	1800 00 00
Five deputies to the Federal Convention, - - -	1000 00 00
Secretary to the Governor and Clerk to the Privy Council, - - -	150 00 00
Auditor of public accounts, - - -	373 00 00
Two Commissioners of the Treasury, - - -	571 00 00
And for their extra services, and clerks, - - -	460 00 00
And for one other clerk, - - -	140 00 00
Clerk of the Senate, - - -	287 00 00
Clerk of the House of Representatives, - - -	287 00 00
Two messengers, one to each house, at £70 each, - - -	140 00 00
Two doorkeepers, ditto, at fifty pounds each, - - -	100 00 00
Powder Inspector and Arsenal keeper, - - -	100 00 00
Three Judges of the Court of Chancery, at £500 each, - - -	1500 00 00
Collector of the Customs for the Port of Charleston, - - -	500 00 00
Collector of the Customs for the Port of Georgetown, - - -	100 00 00
Collector of the customs for the port of Beaufort, - - -	100 00 00
Searchers of the customs for the port of Charleston, - - -	150 00 00
Two Waiters of the customs for the port of Charleston, at £100 each, - - -	200 00 00
Waiter of the customs for the port of Georgetown, - - -	30 00 00
Waiter of the customs for the port of Beaufort, - - -	20 00 00

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INCIDENTAL CHARGES



Expenses of the Members of the Legislature,	-	-	-	1000 00 00
Printer's bill,	-	-	-	300 00 00
For the transient poor,	-	-	-	1000 00 00
Interest of the public debt for the year 1787,	-	-	-	64000 00 00
Provision for Congress,	-	-	-	8563 00 00
Contingent fund, to remain subject to the Governor's drafts,	-	-	-	1000 00 00
For building Court Houses and Gaols,	-	-	-	4325 00 00

In the Senate House, the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1371. *AN ACT* TO REGULATE THE RECOVERY AND PAYMENTS OF DEBTS; AND FOR PROHIBITING THE IMPORTATION OF NEGROES FOR THE TIME HEREIN MENTIONED.

Preamble.

WHEREAS, many inhabitants of this country before the revolution owed considerable sums of money, and of which the embarrassment of the war prevented the payment; and whereas, very considerable importations of merchandise since the peace, and the loss of several crops, have occasioned an accumulation of debts to a magnitude far beyond all former example, and such as the resources of the country are inadequate to discharge in a regular and speedy way as heretofore;

Debts to be paid by instalments.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all debts whatsoever, contracted previous to the first day of January, one thousand seven hundred and eighty-seven, (except debts hereinafter mentioned,) shall be recoverable by instalments only, to be paid in proportion and manner hereinafter following; that is to say, the debtor in every such case shall pay on the first day of March, one thousand seven hundred and eighty-eight, one-third part of the principal and interest which shall be then due to the creditor; and on the first day of March, one thousand seven hundred and eighty-nine, shall pay his creditor one moiety of the principal and interest which may be then remaining due; and on the first day of March, one thousand seven hundred and ninety, the remaining balance of his debt.

No judgment to bind the debtor for a greater amount than is made payable.

II. *And be it further enacted* by the authority aforesaid, That no judgment which may be recovered for any money hereby directed to be paid by instalments, shall bind the property of the debtor to a greater amount than by this law is actually made payable: provided the debtor shall give to his creditor the security hereby required.

Exceptions to this law.

III. *And be it further enacted* by the authority aforesaid, That all moneys had and received by one person for the use of another; all moneys due on protested bills of exchange, provided nevertheless, it shall not extend to bills or orders drawn by one person on another within the State; all cash contracts; all moneys due on policies of insurance; and where any sum is to be paid by executors, guardians, or trustees, by virtue of a de-

cree of any court having competent jurisdiction, for the education, maintenance, and support of orphans; all debts contracted payable in principal and special indents; debts contracted for the sale of lands in Columbia; interest due on the paper medium; and all sums due for taxes and duties to the public, (except the duties due to the public previous to the twelfth of October, one thousand seven hundred and eighty-five: provided such debtors shall give new bonds including therein the interest due, with such security as shall be approved of by the commissioners of the treasury; and except such debts in specie as were incurred for the purchase of confiscated property sold for the benefit of creditors;) all sums not exceeding five pounds, so far as that it may be lawful to recover the same from and after the first day of July next; all actions of trespass, *vi et armis*, ejectment, actions of trover, actions for rent, *qui tam* actions, actions of slander or malicious prosecutions, or actions of assault and battery, or false imprisonment, actions in nature of actions for deceit or breach of warranty, or other actions of mere tort or inquiry—be excepted out of this law.

IV. *And be it enacted* by the authority aforesaid, That all judgments which have been or shall be obtained, and all open accounts, shall draw interest from the time they are due: provided always, that no open account whatever shall draw any interest for any term of time previous to the twenty-sixth day of March, one thousand seven hundred and eighty-four.

Where interest shall be paid.

V. *And be it enacted* by the authority aforesaid, That the creditor in every case may insist to have security for the whole debt to be paid by instalment as aforesaid; and after demand made either personally or in writing by him, his or her attorney, if the debtor shall fail within thirty days to give such security within the district in which he shall reside, as any one or more of the judges of the superior court, any one or more of the justices of the peace of the district, not exceeding three, any one or more of the justices of the county courts, not exceeding three, any one or more of the commissioners for special bail, not exceeding three, respectively, at the option of the creditor, shall deem sufficient, the debtor so failing shall not have any benefit under this Act.

Creditors may insist on security for the whole debt.

VI. *And be it further enacted* by the authority aforesaid, That wherever any levy has been made on any execution, and no sale had thereon, the sheriff who has made the levy shall be entitled to receive from the debtor half commissions on the sum levied, together with all legal charges actually incurred by him in making the said levy.

Sheriff's fees.

VII. *And be it further enacted* by the authority aforesaid, That no person shall avail himself of this law who shall fail to pay and discharge all his arrears of taxes now due since the year one thousand seven hundred and eighty-three, inclusive, within six months from the passing of this Act, and all taxes which may hereafter become due within two months after the same may be so due; and that no tax collector shall have the benefit of this law, who shall not settle his accounts with the commissioners of the treasury within nine months after the passing of this Act, and return a list of all defaulters to the commissioners of the treasury, who is hereby directed to publish the same in the State Gazette; and that no sheriff or other officer shall be authorized to sell any real or personal property in virtue of his office, at public auction, for specie only; but all purchasers at such sales shall have the option of paying either in specie or paper medium; any law to the contrary notwithstanding.

Conditions upon which persons may avail themselves of this law.

VIII. *And be it further enacted* by the authority aforesaid, That if any person or persons shall assault, beat, wound, or oppose, any sheriff or sheriff's officer, or other person lawfully authorized, in the execution of their office, for the carrying this Act into execution, each and every such per-

Penalty for assaulting an officer.

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son and persons, in addition to the punishment that may be inflicted by the court where such offence shall be tried, shall, on conviction, be thereafter rendered incapable of being employed by, or serving the State, in any office, civil or military.

Forfeiture for
importing
slaves into this
State.

IX. *And be it further enacted* by the authority aforesaid, That no negro or other slaves, shall be imported or brought into this State, either by land or water, within three years from immediately after the passing of this Act, under the penalty of forfeiting every such slave to any person who will sue or inform for the same: except the slaves of transient persons passing through this State, and who shall not sell the same within the State, or the slaves of persons who come with their said slaves to settle and reside, and do actually reside therein: provided that such slaves be not sold within the term of one year.

Manner of re-
covering bonds
and notes.

X. *And be it further enacted* by the authority aforesaid, That all bonds or notes which have been given since the first day of January last, for debts contracted previous to that day, and all bonds or notes which have been given payable according to the instalments prescribed by an Act passed the twenty-sixth day of March, one thousand seven hundred and eighty-four, respecting the recovery of old debts, shall be no otherwise recoverable than in the manner directed in this Act.

Former ordi-
nance repealed.

XI. *And be it further enacted* by the authority aforesaid, That the Ordinance entitled "An Ordinance respecting suits for the recovery of debts," passed the twenty-sixth day of March, one thousand seven hundred and eighty-four, be, and the same is hereby, repealed.

In the Senate House, the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1372. AN ORDINANCE to impose a penalty on any person who shall import into this State any Negroes contrary to the Instalment Act.

(Passed March 28, 1787. See last volume.)

No. 1373. AN ACT TO RESTRAIN PARTICULAR PERSONS THEREIN DESCRIBED, FROM OBTAINING GRANTS OF LAND; TO MAKE NULL AND VOID CERTAIN GRANTS OF SURPLUS LANDS; TO PREVENT LOCATED LANDS FROM BEING PASSED INTO GRANTS UNTIL THE PURCHASE MONEY SHALL BE PAID; TO COMPEL PERSONS WHO HAVE OBTAINED GRANTS TO PAY FOR THE SAME WITHIN SIX MONTHS; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, the surveyor general and his deputies, the commissioners of locations, and the secretary of the State and his deputy, have great advantages over their fellow citizens, from having it in their power to take up elapsed grants, and such other lands as may be vacant within this State:

and such advantages being injurious to the repose and well-being of the republic, A. D. 1737.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, it shall not be lawful for the surveyor general, secretary of the State, commissioners of locations, the clerks in the surveyor general's and secretary's offices, to take up any elapsed grant, or run out, either directly or indirectly, in his or their own name or names, or in the name or names of any other person or persons, for his or their use or uses, any lands now vacant within this State, without being subject and liable to the penalty of five thousand pounds, to be recovered in any court of record in this State; the one-half to the use of this State, and the other half to the use of the informer or person suing for the same; and he or they shall also be discharged from his or their respective offices, and forever rendered incapable of holding any office of trust or emolument in this State.

Officers, clerks, &c. of the State, not to be allowed to take up elapsed grants.

II. And whereas, surveys have been made, and grants obtained, of surplus lands situate lying and being within known and established lines, to the great injury of many good citizens, as it is not just and right that the said grants should be held and deemed good and valid; *Be it therefore enacted* by the authority aforesaid, that all grants which have been obtained by any person or persons, for lands situate, lying, and being within the lines, buttings, and boundings of former plats and grants, which are commonly known by the name of surplus lands, (except where the grant of such surplus land hath been made to the proprietor of such granted land,) be, and they are hereby declared to be, made null and void to all intents and purposes whatsoever, and as if the same had never been granted.

Grants made null and void in certain cases

III. And whereas, the revenue of this State is greatly injured by the non-payment of the purchase money for lands granted; *Be it further enacted* by the authority aforesaid, that no grants already obtained shall be delivered by the secretary to the owner thereof, until the purchase money be paid into the public treasury; and that all grants hereafter to be obtained shall be deemed forfeited to the State, if the purchase money be not paid within six months after the passing of the said grants.

Grants not to be delivered until the purchase money is paid.

IV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for all and every person and persons forever hereafter to collect and carry off oysters and oyster shells below highwater mark, from all lands for which warrants of survey have been taken out, and which have not been passed and confirmed by grants under the signature of his Excellency the Governor, since the opening of the land office by the Act passed the twenty-first day of March, one thousand seven hundred and eighty-four.

Persons may carry off oyster shells from certain lands.

V. *And be it further enacted* by the authority aforesaid, That the secretary shall furnish the commissioners of the treasury with a list of forfeited grants, with a particular description of the same, within one month after the same shall become forfeited as aforesaid.

Treasurers to be furnished with a list of forfeited grants

VI. *And be it further enacted* by the authority aforesaid, That the present proprietors of wharves and low-water lots in Charleston, shall have the exclusive privilege for six months after the passing of this Act, of obtaining grants for the land covered by water in front of their present wharves and low water lots, as far as the western edge of the channel of Cooper river, and the northern edge of the channel of Ashley river.

Privileges allowed to present owners of wharves, &c.

VII. *And be it further enacted* by the authority aforesaid, That every grant of land which has been obtained since the twenty-first day of March, one thousand seven hundred and eighty-four, or which may hereafter be

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obtained, for Sullivan's island, Middle Bay island, commonly called the Light-house island, or any other lands whatever which have been or are now appropriated for any particular public purposes, shall be deemed and held null and void.

Length of possession.

VIII. *And be it further enacted* by the authority aforesaid, That an actual, peaceable, and quiet possession of lands five years previous to the fourth day of July, one thousand seven hundred and seventy-six, shall be deemed a good and sufficient title, and any grant obtained since that time, or which may be obtained, for the said land, is hereby declared null and void; and the possessors of the said lands are hereby declared subject to the payment of all taxes which have been or may be imposed by any law since the fourth day of July, one thousand seven hundred and seventy-six.

In the Senate House, the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1374. *AN ACT TO AMEND AN ACT ENTITLED "An Act for levying a duty on Shipping for an Infirmary for Seamen."*

Preamble.

WHEREAS, the reasons which exist for levying a duty on shipping for an Infirmary for seamen, do not prevail with regard to the shipping belonging to the French nation; therefore,

French vessels exempted from infirmary duty.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now sitting in General Assembly, and by the authority of the same, That all French vessels be, and they are hereby, exempted from the duty imposed on shipping by an Act entitled "An Act for levying a duty on shipping for an Infirmary for seamen," passed the eighth day of March, one thousand seven hundred and eighty-five.

In the Senate House, the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1375. *AN ORDINANCE TO PREVENT THE SIGNING OF EXCESSIVE GRANTS OF LANDS.*

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That no grant of land for a tract exceeding one thousand acres, be signed during the recess of the General Assembly, or for forty days

after the next meeting and sitting of the same : provided always, that for the term aforesaid, no person shall locate or survey lands to the prejudice of those who are hereby prevented from obtaining grants : provided also, that nothing herein contained shall extend to any grants which shall be satisfactorily proved to include no entire tract of land heretofore granted and held by any other person.

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No grant of land exceeding 1000 acres, to be signed during the recess.

In the Senate House, the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT FOR THE PROMOTION OF INDUSTRY, AND FOR THE SUPPRESSION OF VAGRANTS AND OTHER IDLE AND DISORDERLY PERSONS. No. 1376.

WHEREAS, the great increase of idle and disorderly persons, has become such a grievance to the industrious and honest part of the community as to require an immediate remedy ;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all persons wandering from place to place without any known residence, or residing in any city, county, or parish, who have no visible or known means of gaining a fair, honest, and reputable livelihood ; all suspicious persons going about the country swapping and battering horses or negroes, (without producing a certificate of his or their good character, signed by a quorum of the justices of the county, or by three justices of the peace of the parish from which such person is last come :) likewise all persons who acquire a livelihood by gambling or horse racing, without any other visible means of gaining a livelihood ; also, all persons who lead idle and disorderly lives ; all who knowingly harbor horse thieves and felons, and those who are known to be of that character and description ; likewise all persons (not following some handicraft trade or profession, or not having some known or visible means of livelihood,) who shall be able to work, and occupying or being in possession of some piece of land, shall not cultivate such a quantity thereof as shall be deemed by one magistrate and four freeholders, or a majority of them, on oath, to be necessary for the maintenance of himself and his family ; also, all persons representing publicly for gain or reward, any play, comedy, tragedy, interlude, or farce, or other entertainment of the stage, or any part thereof ; all fortune tellers for fee or reward ; all sturdy beggars ; and all unlicensed pedlars—are, and shall be, deemed vagrants, and liable to the penalties of this Act.

Description of persons deemed vagrants, and liable to the penalties of this act.

II. *And be it further enacted* by the authority aforesaid, That upon the deposition on oath, or solemn affirmation, of any credible informer, before a magistrate, of any person's being, to the best of his or her knowledge and belief, a vagrant according to this Act, and liable to the penalties thereof, such magistrate shall, and is hereby directed immediately to, issue his warrant, ordering some constable to bring the offender before him, and

Magistrate to issue his warrant on the oath of any credible informer.

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shall then summon the nearest justice of peace (or of the county court, as the case may be) to join and assist him in inquiring into the truth of the information. And to prevent any injustice or oppression, no determination shall be good and legal unless there shall be also summoned three disinterested freeholders, who shall join the two magistrates in the inquiry, and then the opinion of any three out of the five, shall be binding and conclusive, and not otherwise: provided, that if no magistrate shall reside within a convenient distance of the magistrate before whom the offender is carried, then in such case he shall summon five disinterested freeholders, and the opinion and determination of any three of them, joined to that of the magistrate, shall be binding and conclusive.

Person accus-
ed to draw five
freeholders, by
whom he shall
be tried.

III. And the better to guard and secure the liberty of the citizens, and to exclude all partiality on the part of the magistrate: *Be it further enacted* by the authority aforesaid, That whenever any such information as aforesaid shall be made, the magistrate shall make out a list of twelve freeholders of the neighborhood, and shall put them in a box or hat, out of which the person accused shall be allowed to draw three or five names, as the case may be; and thereupon the magistrate shall immediately summon the said three or five freeholders whose names have been drawn as aforesaid, who shall be liable to a fine of ten shillings for their nonattendance, unless prevented by sickness; the said fine to be recovered by any magistrate by warrant of distress; but if any of the said three or five freeholders shall fail to attend, then the magistrate shall direct the person accused to draw out as many other names as shall make up the deficiency, so that the attendance of three or five freeholders, as the case may require, may be procured: provided always, that if the person accused shall refuse to draw out the names as aforesaid, then the magistrate before whom he or she is summoned, shall forthwith proceed to draw out three or five names in the manner above prescribed.

Proviso.

Persons accus-
ed to give secu-
rity for good
behaviour, if
found guilty,
or go to jail.

IV. *And be it further enacted* by the authority aforesaid, That as soon as the two magistrates and three freeholders, or the one magistrate and five freeholders, (as the case may require,) shall be convened together, they shall proceed to examine into the truth of the charge, and to inquire in what manner, and by what means, the person accused gains his or her livelihood, and maintains his or her family, (if he or she has any,) and if the quorum of them (as above described) shall adjudge such person liable to the penalties of this Act, then on such person's payment of the accustomed fees, and giving good security for his or her good behaviour for the space of twelve months ensuing, such person shall be immediately discharged; but on his or her inability or refusal to give such security, it shall be lawful for the magistrate before whom the complaint was made, to commit him or her to gaol until the next meeting of the county or circuit courts, or the court of general sessions in Charleston; to the clerk of which courts respectively such magistrate is hereby directed to transmit a fair copy of his proceedings, containing the names of the magistrates and freeholders before whom such person was tried, with the names of the informer, and witnesses, and the evidence they gave; which copy of his proceedings shall be filed and preserved as a record of the court.

Services of the
offender to be
sold at auction

V. *And be it further enacted* by the authority aforesaid, That if the court shall not think fit to discharge the offender, then the clerk of the court shall, before the last day of court, make known to the inhabitants by an advertisement stuck up at the door of the courthouse or gaol of the district or county where he or she was apprehended, that the services of the offender will be sold at public sale on the last day of the court, for a space of time not exceeding one year; and the person so purchasing the services

of the said offender, shall receive from the clerk of the court a certificate of such purchase, and thereupon the offender shall, during the term aforesaid, be subject to the penalties set forth and contained in the Act of Assembly entitled "An Act concerning servants, and masters, and apprentices;" and the person who purchased his or her services, shall be entitled to all the benefits accruing to masters by the aforesaid Act.

A. D. 1767.

VI. *And be it further enacted* by the authority aforesaid, That in case no person shall purchase the services of the said offender, then the said offender is hereby declared liable to receive not more than thirty-nine, nor less than ten lashes, on the bare back, at the discretion of the judges of the county or circuit court, or court of sessions in Charleston, as the case may be, and adjudged to quit the county within twenty-four hours, or the district within three days. And if the said offender shall, after the time above prescribed, be found within the county or district from which he has been banished, and shall not be provided with a certificate of his good behaviour from some one of the county courts, or a judge of the court of sessions, or cannot procure good security for his future good behaviour, then he is hereby declared liable to the same penalties and punishments as above set forth: provided, that in all cases where it shall be deemed practicable and expedient by the county court, or judge of the court of sessions, or circuit court, to condemn the offender to hard labor, then such offender shall be sentenced to hard labor for a term not exceeding one year, and shall not receive the punishment by whipping, as aforesaid.

Offender to be whipped and to leave the district, if his services be not purchased.

VII. *And be it further enacted* by the authority aforesaid, That every person of suspicious character coming to settle in any county or parish within this State, shall be deemed a vagrant, unless he produce a certificate from the justices of the county court of the county, or three justices of the peace of the parish, in which he last resided, setting forth that he is a person of a fair character, and not an idle or disorderly person; or unless he obtain within the space of five days sufficient security for his good behaviour for twelve months ensuing.

Persons of suspicious character deemed vagrants, unless proving to the contrary.

VIII. *And be it further enacted* by the authority aforesaid, That if any magistrate shall fail or neglect to execute any of the duties herein set forth and prescribed, he shall be liable to pay a penalty of ten pounds; and any constable neglecting or failing in his duty aforesaid, shall be liable to pay five pounds; to be recovered by information before the justices of the county or circuit court, or court of sessions, as the case may require; one moiety to go to the informer, and the other to the use of the county, if recovered in a county court, and to the use of the State if recovered in any other court, and to the use of city if recovered in the court of wardens.

Penalty on magistrates failing to do their duty

IX. And the more effectually to prevent all malevolent prosecutions, either against persons falsely supposed to be vagrants, or against magistrates or constables accused of having neglected their duty as aforesaid. *Be it further enacted* by the authority aforesaid, That if any informer shall be convicted before the judges of the county or circuit court, or court of sessions, of having preferred his complaint through malevolence or spite, without any just grounds of accusation, he shall be adjudged to pay a fine of five pounds to the party injured, besides being liable to an action for damages. And if any person shall wantonly prosecute any magistrate or constable for a neglect of duty, and shall fail in his proof of such neglect, he shall pay a fine of five pounds, to be recovered as aforesaid.

Penalty on persons preferring charges without good reason.

X. *And be it further enacted* by the authority aforesaid, That the magistrate or magistrates before whom any offender against this Act shall be tried and condemned, shall not be liable to any penalty if he or they shall

A. D. 1787.

make it appear that the judgment was given in the manner and with the restrictions set forth in the second clause of this Act.

In the Senate House, the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1377. AN ACT to alter and amend an Act entitled "An Act for establishing county courts, and regulating the proceedings therein," passed the 17th day of March, 1785; and for other purposes therein mentioned.

(Passed March 28, 1787. See last volume.)

No. 1378. AN ACT TO EXEMPT WILLIAM BALL FROM THE PAINS AND PENALTIES TO WHICH HE IS LIABLE BY SEVERAL ACTS OF THE GENERAL ASSEMBLY.

Preamble.

WHEREAS, William Ball, formerly Lieutenant Governor of this State when a British province, hath petitioned the Legislature to be exempted from the pains and penalties to which he is liable by several Acts of the General Assembly;

William Ball
to be exempted
from pains and
penalties.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said William Ball, on his arrival in this State, and on taking the oaths of allegiance and fidelity thereto, before one of the judges of the court of common pleas, shall be, and he is hereby, exonerated and discharged from all the pains and penalties to which he was liable under the several Acts passed by the Legislature of this State, and more particularly an Act entitled "An Act for disposing of certain estates, and banishing certain persons therein mentioned," passed the twenty-sixth day of February, one thousand seven hundred and eighty-two.

In the Senate House, the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1379. AN ORDINANCE for opening the Navigation of Lynch's and Clark's Creeks, as also Black Creek, and appointing commissioners for superintending the same.

(Passed March 28, 1787. See last volume.)

A.D. 1787.

AN ACT TO REVISE, AMEND, AND REPEAL THE SEVERAL ACTS OR No. 1380.
CLAUSES OF ACTS OF THE GENERAL ASSEMBLY HEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act for the entry of vessels," passed the eighth day of October, one thousand six hundred and ninety-eight, be, and the same is hereby, repealed. Former act repealed.

II. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, any one of the judges of the court of common pleas, or a majority of the county court justices, shall, and may, and they are hereby authorized and empowered, upon the application of any person or persons whatsoever interested in any suit depending in the court of common pleas or county courts, to grant a commission under his or their hand and the seal of the court, directed to three commissioners, or any two of them, authorizing and empowering the said commissioners to examine and cross examine the witnesses therein mentioned, and who are without the limits of this State, on oath, touching such matters or things as they may have in charge by the aforesaid commission; and also in like manner all such witnesses whose attendance to give their testimony in court cannot be procured either by reason of such sickness or infirmity as totally incapacitates such witnesses from travelling, in order to appear and give evidence in court when requisite; and that such sickness or infirmity shall be proved before one of the judges of the court of common pleas, or a majority of the county court justices, by a certificate on oath of some disinterested person of reputable character: provided, nevertheless, that the person or persons making such application, shall give to the plaintiff or defendant, as the case may be, ten days notice of such application. Judges may empower commissioners to examine witnesses.

III. *And be it further enacted* by the authority aforesaid, That no testimonial, probate, certificate, or other instrument under the seal of any foreign court of law, notary public, or other magistrate or person qualified and empowered to give the same, shall in future be received in the courts of this State as evidence of any debt due, or demand owing by any person or persons resident within the limits of this State; any law, usage, or custom to the contrary notwithstanding: provided, nevertheless, that if it shall appear to the court that the testimonials, probates, certificates, or other instrument of writing for the purposes aforesaid, which have been or shall be hereafter issued from any of the courts of this State, or by any of the officers thereof authorized and empowered to give the same, are received and allowed as evidence in the courts of such foreign country, then, and in such case, the courts of this State shall receive and allow the testimonials, probates, certificates, or other instruments of such foreign country alone, as good and sufficient evidence of any debt due, or demand which may be owing by any person or persons residing within the limits of this State. Foreign certificates not to be received in evidence.

Proviso.

IV. *And be it further enacted* by the authority aforesaid, That the thirty-sixth clause of an Act entitled "An Act confirming and establishing the ancient and approved method of drawing juries by ballot in this province, and for the better administration of justice in criminal causes, and for appointing of special courts for the trial of causes of transient persons, declaring the power of the provost marshal, for allowing the proof of deeds

Clauses of former acts repealed.

A. D. 1797.

beyond the seas as evidence, and for repealing the several Acts of the General Assembly therein mentioned," passed the twentieth day of August, one thousand seven hundred and thirty-one. Also, the first clause of an Act entitled "An Act for regulating trials in courts of justice in this State between the subjects of foreign nations in alliance or neutrality with the United States and the citizens thereof, and for other purposes therein mentioned," passed the sixteenth March, one thousand seven hundred and eighty-three. Also, the first and second clauses of an Act entitled "An Act to alter and amend the thirty-sixth clause of an Act of this State, commonly called the jury law, and for altering the time of holding the courts of sessions and common pleas," passed the twenty-sixth March, one thousand seven hundred and eighty-four. Also, "An Act for repealing the thirty sixth clause of the jury law, and for other purposes therein mentioned," passed the twenty-second March, one thousand seven hundred and eighty-six—be, and the same are hereby, repealed.

In the Senate House, the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleven-th year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1381. AN ACT TO APPOINT ESCHAEATORS, AND TO REGULATE ESCHAEATS.

Preamble

WHEREAS, sundry estates, real and personal, have heretofore been acquired, held and possessed in this State, by persons who are now dead, and no legal representatives have appeared to make title and claim, either by descent or purchase, to such estates; and sundry other escheats have fallen or may hereafter fall to this State, in the like manner; and also in cases of forfeiture for treason or felony; and it being necessary to appropriate such estates, real and personal, to public uses;

Escheators to be appointed.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an escheator shall be appointed by the joint ballot of the Senate and House of Representatives, and commissioned by the Governor or Commander-in-chief for the time being, for the district of Charleston, and for each of the circuit court districts, who shall execute his office in proper person, and not by deputy, and give bond, with three good and sufficient sureties, payable to and taken by the Governor for the time being, for the use of the State, which shall be duly recorded in the Secretary's office of this State, in the penal sum of five thousand pounds sterling money, for himself and sureties, jointly and severally, and conditioned for the well and faithful discharge of the said office, and shall moreover take the following oath, to be administered by the said Governor, or any one of the justices of the court of common pleas, at the time of taking the said bond, to wit: "I, A B, do solemnly swear that I will well and faithfully execute the office of escheator for the district of —, and diligent inquest make for all property which hath escheated or shall escheat to the State, within my jurisdiction, according to the true intent and meaning of the Act in that case made and provided: So help me God."

Oath.

II. *And be it further enacted* by the authority aforesaid, That each of the said escheators, in every case where on their knowledge or belief, or the information of another, that certain lands have been escheated to the State by the death of the person last seised in fee simple, either in law or in fact, without leaving any person who can lawfully claim such lands, either by purchase or descent from such former proprietor, the escheator of the district where the lands lie, on such knowledge or information, or the order of any court of record, shall issue his notification of such supposed escheated lands to one of the judges of the court of common pleas, at least two months previous to the next meeting of the said court to be held in the circuit or district where such lands lie; and the judge or judges presiding at such court shall cause the jury (being first duly sworn) to proceed and make a true inquest of all such supposed escheated lands, which by the escheator shall be subjected to their investigation, and a true verdict make thereon; whereupon the judge or judges of the court aforesaid shall certify the same, under his or their hands and seals, to the escheator, who is hereby ordered and directed to record the same in a book to be kept by him for that purpose, and shall return the original within two months after the date thereof into the office of the court of common pleas, to be there filed and kept as a record of the said court.

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Duties of the escheators.

III. *And be it further enacted* by the authority aforesaid, That on returning the inquest into the office of the court of common pleas, the clerk shall thereupon cause to be advertised in the State Gazette, the first week in every month, for six months, the particular description of the lands, the name of the person last seised, and the supposed time of his or her death, together with the part of the world in which he or she was known or supposed to be born, and requiring his or her heirs, or others who may claim under him or her, to appear and make claim. And if no person shall appear and make title to the same lands, within twelve months after the expiration of the time prescribed for advertising the same, the clerk of the said court shall issue process, to be signed by one of the judges, to the escheator, pronouncing the said lands to be escheated and vested in this State, and directing him forthwith to sell and convey the same, according to law.

Lands to be advertised, and no claimant appearing in 1 year, to be escheated.

IV. *And be it further enacted* by the authority aforesaid, That as soon as escheated lands shall be vested as aforesaid in the State, the escheator shall advertise the sales thereof in the State Gazette, and also in the most public places of the district in which the lands lie, giving six weeks public notice, on a credit of twelve months, payable in the general indents issued by this State to the public creditors, with lawful interest, payable in special indents or current money, and shall moreover take good and sufficient surety and a mortgage of the premises, before the title shall be altered or changed.

Sales to be advertised.

V. *And be it further enacted* by the authority aforesaid, That where the lands shall exceed six hundred acres, and can be divided into smaller tracts with advantage to the State in the sale thereof, the escheator shall cause the same to be divided in such manner as shall be most beneficial to the State; and the indents arising from such sale shall be forthwith paid into the public treasury whenever the same shall become due and recovered. Provided nevertheless, that if any person or persons shall appear within five years, and make good title to such lands, in the court of common pleas, on an issue tried, he, she or they shall forthwith receive adequate compensation.

Lands may be divided into smaller tracts.

Proviso.

VI. *And be it further enacted* by the authority aforesaid, That any person or persons, without delay, shall be heard on a traverse, in the court of common pleas, on a petition setting forth his, her or their right, and the

Privileges of claimants.

A. D. 1797.

said lands shall be committed to him, if he, she or they shall shew good evidence of his, her or their title, to hold until the right shall be found and discussed for the State and the claimant; such claimant finding sufficient security to prosecute his, her or their suit with effect and without delay, and to render to the State the yearly value of such lands, if the right be found for the State; and where no claimant shall appear to make title as aforesaid, the escheators shall rent out the escheated lands, if the same can be done with advantage to the State, until the process of escheat shall be concluded and the lands sold. Provided nevertheless, that if any suit for property supposed to be escheated shall be prosecuted by any escheator, and the jury before whom such trial shall be had shall think there is no probable cause, such jury are hereby authorised and required to assess and award to the party grieved such damages as they shall think proper.

Proviso.

Limitation.

VII. *And be it further enacted* by the authority aforesaid, That the State shall not be prejudiced by possession, grant, conveyance, or any other cause or title, from making inquest and sale of all such lands as have heretofore escheated to this State by the death of the person last seised thereof; any law, custom or usage to the contrary notwithstanding. Provided, that no lands claimed under grant, or under an actual possession for five years, prior to the fourth July, one thousand seven hundred and seventy-six, shall be affected by this Act.

Personal estate to which there is no heir, shall revert to the State.

VIII. *And be it further enacted* by the authority aforesaid, That where any monies or other personal estate shall be found in the hands of an executor or administrator, being the property of any person heretofore deceased, or hereafter dying, and leaving no person entitled to claim, according to the statute of distribution, and without making disposition of the same, the escheator of the district where such chattels shall be found, or the attorney general, on behalf of the State shall and may sue for and recover, either at law or in equity, and pay the same into the treasury of this State; and the said treasurers for the time being shall advertise the same in the State Gazette, once in every month, for six months, in like manner as lands are hereinbefore directed to be advertised, and if no person shall appear and make good title to such personal estate within two years thereafter, other than as executor or administrator, or their legal representatives, then such personal estate shall become vested in and applied to the use of this State.

Further time allowed to infants, feme covert, &c.

IX. *And be it further enacted* by the authority aforesaid, That nothing herein contained shall prejudice the rights of individuals having legal title, and who may be under the disabilities of infancy, coverture, lunacy, or beyond the limits of the United States, until three years after such disabilities shall be removed.

Escheators to receive 2, per cent.

X. *And be it further enacted* by the authority aforesaid, That the said escheators shall, each of them, as a compensation for his trouble, cost and charges in the discharge of his duty, be entitled to receive the commission of two and an half per cent. out of all monies or indents which in virtue of this Act shall be paid by the said several escheators respectively into the treasury; and where any person or persons shall appear and make title to lands or personal estate, after office found by the jury, the court shall have power to assess such reasonable costs and charges as the escheator hath sustained in promoting the claim of the State, except in cases where he has already received his commissions.

Penalty on neglect.

XI. *And be it further enacted* by the authority aforesaid, That if the escheators, or any of them, shall fail to fulfil, or their duty, as this Act directs, on behalf of the State, and any loss or damage shall accrue to the State by his or their misconduct and fraudulent practices, the offender or

offenders shall be responsible for all such loss or damage, and the court of common pleas shall have power and authority to order a prosecution in the name of the State : and the jury shall try the fact, and assess the damages and costs ; and upon conviction, such escheator or escheators shall be incapable forever thereafter from holding any place of trust or profit within this State. A. D. 1787.

XII. *And be it further enacted* by the authority aforesaid, That every part of this Act, and the mode therein prescribed for recovering and appropriating real or personal property heretofore escheated to this State, and to become hereafter fully vested by the verdict of a jury as aforesaid, shall be pursued and observed where any person shall hereafter die without heir, or shall forfeit his lands by conviction of treason, or otherwise become divested thereof by operation of law, without leaving any legal representative ; any law, usage or custom to the contrary notwithstanding. Operation of this Act.

XIII. *And be it further enacted* by the authority aforesaid, That no property shall be vested in the State, or any inquisition had by the escheator, where any person or persons shall have committed or may commit any felony against the State ; but that the said property shall descend to, and be vested in, the representatives of such person or persons ; any law, usage or custom to the contrary notwithstanding. Estates of felons.

XIV. *And be it further enacted* by the authority aforesaid, That nothing contained in this Act shall be construed to vest in the State the property of which any person died possessed, interested in, or entitled to, where such person has left any relation of the half blood, but the same shall be, and is hereby, vested in such person of the half blood ; and where lands have come by descent or purchase to a female, and such lands have passed, or may hereafter by occupancy pass, to the husband and his descendants, or others claiming under him or them, in default of heirs on the side of such female, they shall not be subject to the operation of this law. Heirs of the half blood entitled to possession.

XV. *And be it further enacted* by the authority aforesaid, That no lands shall be sold under or by virtue of this Act, previous to the twenty-sixth day of March, one thousand seven hundred and ninety-one, where, on the inquisition, the right of inheritance shall appear to be in an alien ; nor shall any thing in this Act contained be construed to extend to contravene any treaty or agreement that is or may be entered into between the United States of America and any foreign prince, state, or potentate, on the subject of descents and inheritances. Lands not to be sold previous to 26th March, 1791.

XVI. *And be it further enacted* by the authority aforesaid, That no member of either branch of the Legislature shall be capable of holding or exercising the office of escheator. No member of the Legislature to be an escheator.

XVII. *And be it further enacted* by the authority aforesaid, That no escheator shall, directly or indirectly, either by himself or any person whomsoever, purchase, or be concerned with any person or persons in purchasing, any escheated lands, without being subject and hable to the payment of five thousand pounds ; to be sued for and recovered in any court of record, one half for the benefit of the informer who shall sue for and recover the same, and the other half to be applied to the use of the State ; and the said escheator shall also be rendered incapable of holding or exercising any office of trust or emolument therein. Escheators not allowed to purchase escheated estates.

In the Senate House, the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

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No. 1382.

AN ACT TO ALTER THE NAME OF THE TOWN OF NINETY-SIX.

Name of the town altered to Cambridge.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the town heretofore called by the name of Ninety-Six shall be known and called by the name of Cambridge, and no other; any law, usage or custom to the contrary notwithstanding.

In the Senate House, the twentieth of March, in the first of said first one thousand seven hundred and eighty seven, and in the eleventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1383. AN ACT DECLARING THE POWERS AND DUTIES OF THE INQUIRERS, ASSESSORS, AND COLLECTORS OF THE TAXES, AND OTHER PERSONS CONCERNED THEREIN.

Oath of assessors and collectors.

I. *Be it enacted*, That every assessor and collector appointed by any tax Act which may hereafter be passed for raising supplies for the support of Government of this State, shall, before he enters upon the execution of his said office, take the following oath before some justice of the peace: "I, A B, do solemnly promise and swear that I will, to the best of my knowledge, skill and judgment, ascertain the several qualities of the lands lying and being within the — where I am appointed assessor, and where no return of the qualities of the same shall have been made: and that I will not, for any fee or reward, favor, partiality, self-interest, malice or hatred, in favor of or against any person or persons whatsoever, assign any other quality to such lands than in truth and good conscience they shall appear to me to deserve; and that I will impartially assess all other property and professions by law directed to be so assessed, to the best of my judgment, according to the true intent and meaning thereof. So help me God." And if any assessor shall presume to execute the said office without having taken the said oath, such assessor shall forfeit and pay the sum of fifty pounds, to be recovered by any person who shall inform and sue for the same, by action of debt, in the court of common pleas.

Inquiry to be made by the assessors and collectors of the real estates and slaves within the parishes of St. Philip and St. Michael.

II. That the inquirers, assessors and collectors of the parishes of St. Philip and St. Michael, or any one or more of them, are hereby ordered and directed, on or before the first Monday in September next, and on or before the first Monday in September of each and every year thereafter, to go once to the several houses of the inhabitants of the said parishes, of which they shall give previous notice in the Gazette three weeks before they shall go to the said houses, and inquire into and take an account of all the real estates, and particularly in what parts of the said parishes the lands are situated, and of the slaves and other taxable property of the inhabitants, which they shall be possessed of, interested in or entitled unto, in their own right

or in the right of any other person whatsoever; and the inquirers in the other parishes and counties shall fix on some convenient places to receive returns and payments, of which places they shall give at least three weeks public notice at three several times and three several public places; and that no person be obliged to attend them at more than fifteen miles distance from his house.

A. D. 1788.

III. That the assessors respectively appointed in the parishes of St. Philip and St. Michael, shall complete their calculations of the value of estates in the said parishes on or before the first day of November, and within seven days after they shall cause a duplicate thereof to be posted at the Exchange at Charleston, for ten days, of which they shall give previous notice in the Gazette.

Assessors to publish their calculations.

IV. That all persons living within this State who are possessed of any lands, slaves or carriages (wagons, carts and drays excepted—lands whereon any churches or other buildings for divine worship or free schools are erected and built, and all slaves appurtenant to or going with said churches and lands, and all monies appropriated for charitable uses, always excepted,) either in their own right or in the right of any other person or persons who are liable to pay any other tax by virtue of any law, shall return a particular account thereof in writing to the inquirers, at such time and place as the said inquirers, or any of them, shall appoint for the doing thereof, so that the same be done on or before the first Monday in October next, and on or before the first Monday in October of each and every year thereafter, which shall contain an enumeration of each lot of land, with the dimensions of and improvements thereon, and of his lands, with a particular account of the situation, quantity and quality of the same, and also the number of slaves, and the number of wheels of every taxable carriage belonging to the person making the returns, which shall be attested in the words following: "I, A B, do swear (or affirm, as the case may be) that the account which I now give in is a just and true account of the quantity and quality of the lands, slaves and carriages, as are directed to be taxed by law, which I am possessed of, interested in or entitled unto, either in my own right or in the right of any other person or persons whatsoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatever, according to the best of my knowledge and belief; and that I will give a just and true answer, according to the best of my knowledge, to all questions that may be asked me touching the same; and this I declare without any equivocation or mental reservation whatsoever: So help me God." Which oath or affirmation the several inquirers and collectors appointed by this Act are hereby duly authorised, enjoined and required to administer. Which returns shall be made to the inquirers and collectors for the parish or county respectively where the person making the return lives the greatest part of the year.

Persons to make return of their property on oath.

Oath.

V. That where inquirers receive returns of lands without specification of the parish or county in which they lie, or of lands lying in the parish or county of which the person who receives the return is the assessor, and the qualities of which are unknown to the person making the return, the inquirers who receive such returns shall, in both cases, value the lands so returned at not less than one shilling nor more than six pounds per acre, according to the best information they can get of the quality and situation of the lands so returned.

Ratio fixed in case of improper returns.

VI. That every person who shall have reason to believe he or she is overrated, or whose attorney or attornies shall have reason to believe he or she is overrated, by such assessors, shall, at the time of payment of his or her tax, be allowed to swear off so much as he, she or they, or his or their attorney

Persons overrated may swear off the overplus.

A. D. 1793.

or attornies, shall think they are overrated, before the assessors or collectors as aforesaid; and the said assessors and collectors, or any of them, are hereby empowered and required to administer such oath, and shall allow an adjournment accordingly.

Taxes on real
estate, &c.,
when to be
paid.

VII. That all persons whosoever, any ways liable to pay tax, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the first day of June, one thousand seven hundred and eighty-nine; and all persons liable to pay taxes by virtue of an Act entitled "An Act for raising supplies for one thousand seven hundred and eighty-seven," passed the twenty-eighth day of March, one thousand seven hundred and eighty-seven, shall pay in the same to the persons appointed to collect the same, on or before the first day of June, one thousand seven hundred and eighty-eight, any law, &c. to the contrary notwithstanding; and the collectors shall give a receipt to the person paying the same. And the said inquirers, assessors and collectors, for the several parishes and counties respectively within this State, shall close their accounts with the treasurers on or before the first day of November, one thousand seven hundred and eighty-nine; and at the closing of their accounts they shall exhibit two lists, one containing all the taxable property returned to them, annexed to the names of the persons who returned the same, with the sums paid by them respectively; a second, all the taxable property lying and being in the parish or county, which has come to their knowledge, and has not been returned; which lists shall be given to the treasurers, and their accounts closed on oath, in the following words: "I, A B, do swear (or affirm, as the case may be) that the accounts I now give in, and the lists I now return, are just and true, according to the best of my knowledge, and that I have used all legal means in my power to obtain payment of the taxes imposed by this law, in the parish or county in which I have been appointed inquirer, assessor or collector." Which oath the treasurers, or either of them, are hereby empowered and required to administer. And the collectors for each parish or county shall give an account in writing, upon oath as aforesaid, of their own lands, slaves, and other taxable property, to the commissioners of the treasury, and pay the taxes thereon, according to the rates appointed by the tax Act for such year respectively.

Penalty on
concealment.

VIII. That if any person or persons, in giving in or rendering his or her account of taxable property, shall wilfully conceal any part thereof, all such persons shall forfeit five times the value of the tax of what they have so concealed.

When deemed
a defaulter.

IX. That any person neglecting or refusing to give in his or her account of the lands and slaves or other taxable property, to the inquirers, assessors and collectors aforesaid, respectively, at such time and place as they shall appoint, on or by the first Monday in September next, for Charleston, and the first Monday in October next, and on or before the aforesaid days in each and every year thereafter, for all other parts of the State, he or she shall be deemed a defaulter, and shall be by the inquirers and collectors doubly taxed for all his or her lands or slaves, or other taxable property, according to the best information the inquirers can get of his or her taxable property.

Warrant to be
issued for
defaulters.

X. That in case any person or persons whosoever shall neglect or refuse to pay in his, her or their tax, at the days and times heretofore mentioned and appointed for the payment thereof, the inquirers and collectors respectively shall immediately hang up for ten days a list of defaulters at the Exchange in Charleston, and some public place in the respective parishes or counties, and if the taxes are not paid within these ten days, they shall, without further delay, levy the same, by virtue of a warrant by them respectively

to be signed and sealed for that purpose, which warrant shall be directed to the constable or constables living nearest to the place where such defaulter lives or resides, or to the sheriff of the city of Charleston, if such defaulter lives, or if the property of such defaulter lies, within the limits of the said city, requiring him or them to levy the same by distress and sale of the defaulter's estate, to be paid in special indents, specie, or the paper medium, returning the overplus, if any there be, to the defaulter, upon deducting the reasonable charges. And if no such distress can be found, and the defaulter shall neglect or refuse to point out lands, or to produce goods or effects, whereon the monies so assessed may be forthwith levied, then the said constable or constables, or sheriff of the city of Charleston, by virtue of the said warrant, shall take the body of such defaulter and convey him to the common gaol in the county or district where such defaulter resides; which warrant shall run in these words, (making the proper alteration): " — Collector of the general tax for the parish or district of — to — constable for the county or district —, (or to the sheriff for — district or county, or sheriff of the city of Charleston, in the State of South Carolina, or to his lawful deputy:) Whereas — hath been duly assessed by me, the subscriber, collector of the tax for the parish or county of —, the sum of —, for defraying the charges of the —, which — hath neglected to pay; these are, therefore, in the name of the State, strictly to charge and command you to levy, by distress and sale of the lands, goods and chattels of the said —, the sum of — together with the charges thereof; and in case the said — shall refuse or neglect to point out lands, or produce goods and chattels, sufficient to levy the said distress and the charges thereon, that then you take the body of the said — and convey — to the common gaol in the district or county, commanding you the keeper of the said gaol to detain the body of the said — in his custody until — shall pay the sum of —, together with the charges of keeping and detaining as aforesaid; and for so doing this shall be your sufficient warrant. Given under our hands and seals, this — day of —, Anno Domini —." And the sheriff or other officer keeping such gaol, shall detain such person in the gaol without bail or mainprize, until the debt and charges aforesaid shall be satisfied. And the constable and constables to whom such warrant shall be directed shall take from such defaulter the following fees in the execution of their office, to be paid in the current money of the State, viz. for serving every execution four shillings and eight pence, and for all sums to be levied as aforesaid five per cent., and no mileage or any other fee whatever; and the assessors and collectors respectively for every such warrant he or they shall issue, shall also have from such defaulter two shillings and six pence.

XI. That if any taxable person shall neglect to give an account as aforesaid of his or her estate to the said inquirers and collectors, by the time limited by any tax Act hereafter to be passed, or shall omit or neglect to pay his or her own tax, or the tax to be assessed, by virtue of any tax Act hereafter to be passed, on any person for whom he or she is guardian, executor, attorney or trustee, by the time limited, the said collectors respectively where such taxable person lives, are hereby empowered and required to issue their warrant, in the same manner as above directed; and in case the said assessors and collectors shall not have just information what such person's tax doth amount to, the said warrants shall run for double what they shall judge such persons ought to be rated, and such persons shall be dealt with in all other respects as defaulters.

XII. That the taxes imposed by any tax Act shall be preferred to all securities and incumbrances whatsoever; and that in case any person shall

A. D. 1788.

Form of the warrant.

Fees of constables, &c.

Penalty on neglect to make return or pay tax.

A. D. 1788.

Taxables dying or departing.

happen to die between the time of giving in his or her account of his or her tax, and any goods or chattels of the deceased, to the value of the sum he or she was assessed at, shall come into the hands of his or her executors or administrators, they shall pay the same by the time before limited, prior to all judgments, mortgages and debts whatsoever, or otherwise a warrant of execution shall issue against the proper lands, goods, and chattels of such executors and administrators. And if any person between the time of rendering the account of his or her estate to the inquirers or collectors as aforesaid, and the time of paying his or her tax, shall be about to depart this State, the said assessors and collectors are hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such persons shall find securities to be approved of by the assessors and collectors for the payment thereof at the time appointed.

Penalty on officers for neglect.

XIII. That the commissioners of the treasury, inquirers, sheriffs, constables, and every other magistrate and officer, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby, or any of the tax Acts in which such treasurer, inquirer, sheriff, constable, and every other magistrate and officer shall be concerned or made liable to any duties required of them respectively to be done, within the time prescribed by this Act, or any of the tax Acts in which such treasurer, inquirer, sheriff, constable, and every other officer, or any or either of them, shall be concerned or made liable to any duties, shall, for every such neglect or refusal, forfeit the sum of one hundred pounds; and the several assessors and collectors, or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done, within the time prescribed by this Act, or any of the tax Acts in which such assessors and collectors shall be concerned or made liable to any duties, shall, for every such neglect or refusal, forfeit the sum of three hundred pounds; to be sued for by the commissioners of the treasury, for the use of this State, or by any other person or persons who shall sue for and recover the same.

Penalty on collectors for default.

XIV. That in case any assessor or collector of the present or any former or any future taxes shall neglect or refuse to give in, upon oath, to the commissioners of the treasury, a just and true account of all monies received by him or them, or due to the State, on account of the tax herein imposed, or on account of any former tax, or which shall be hereafter received by him or them, or which shall become due to the State on account of any future tax, within their several and respective districts, by the time herein limited, that then it shall be lawful for the commissioners of the treasury for the time being, or any one of them, by warrant under his or their hands and seals, to commit such assessors or collectors to the common goal in the district wherein he resides, there to remain, without bail or mainprize, until he or they shall have rendered upon oath, to be taken before one of the justices of the peace, a full and satisfactory account of, and shall have paid, all such sums as aforesaid by him or them collected during the time he or they were collectors, and shall have given in to the commissioners of the treasury an account of all monies received by him or them, which are or shall become due to this State, by virtue of this or any former or any future tax Act, and the reasonable charges of such commitment.

Vacancies how to be filled.

XV. That in case any of the inquirers, assessors and collectors appointed by any tax Act, should happen to die, refuse to act, or depart this State, or remove out of the parish or district for which he is by any tax Act appointed, before he shall have qualified as is herein directed, then his Excellency the Governor or Commander in chief for the time being, is hereby

empowered, from time to time, so often as occasion shall require, to nominate and appoint one or more fit person or persons in the room of him or them so dying, refusing to act, or departing this State, or removing out of the parish or district; and the person or persons so appointed shall have the same powers and be under the same penalties as the inquirers, assessors and collectors nominated by any tax act.

XVI. That the commissioners of the treasury for the time being, or either of them, be, and they are hereby, empowered and required to issue executions against all former constables, sheriffs, and collectors of taxes, and all persons in arrear for taxes, and against all assessors and collectors of the present or future tax, if the same shall not be paid on or before the time is elapsed for paying the same; and he and they is and are hereby directed and required to prosecute all and every person or persons whatsoever neglecting or refusing to do and perform the several matters required by this Act, for the recovery of the penalties inflicted by the same for any refusal or neglect.

A. D. 1786.

Commissioners
of the treasury
to compel pay-
ment of arrears.

XVII. That every person shall be liable to pay taxes for the property, real or personal, of which he or she shall stand seized, or having the custody of, either as attorney or agent, or guardian or executor, or in his or her own right, as tenant in fee simple, or by courtesy, or for life, or in right of his wife, on the first day of October next ensuing, and on the first day of every October in each and every year thereafter; and all taxes on real or personal property which shall be sold and conveyed on the said first day of October next, and after the aforesaid first day of October in each and every year thereafter, shall be returned and paid by the seller thereof; any law, usage, or custom to the contrary notwithstanding.

Time of pay-
ment.

XVIII. That all and every person or persons heretofore acting, or who may hereafter act, as an attorney or attorneys, trustee or trustees, for any person or persons not residents within this State, and who shall decline acting any longer as such, shall make oath before the collectors respectively that he hath bona fide renounced his power and attorneyship before the payment of the said tax becomes due, without having done it with an intention to avoid the payment of the said tax. Provided always, that if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney or trustee shall be liable to pay the said tax as is hereinbefore directed, any thing hereinbefore contained to the contrary notwithstanding; and for levying whereof the same remedies shall be, and they are hereby, given as for levying the tax to become due by virtue of any tax Act on the proper estate of such attorney or trustee.

Attornies and
trustees of ab-
sent persons,
liable for the
taxes assessed
on the property
of such absen-
tees.

XIX. That in case any tract or tracts of lands, negroes, or any other taxable property, shall be found by the inquirers or collectors to belong to any person or persons living or residing out of the limits of this State, and who have no attorney or attorneys, trustee or trustees, legally constituted, in this State, or which have not been returned to any of the inquirers, assessors or collectors appointed by any tax Act, then and in such case the inquirers, assessors or collectors shall be, and they are hereby, authorised and required to charge the said lands, negroes, or any other taxable property, for the payment of all taxes due by virtue of any former or future tax Act, rateably and proportionably, according to the quantity and quality of the lands, negroes, and other taxable property, as if the same were in the actual possession of some person or persons living and residing in this State, and forthwith to publish and give notice of such their charge and assessment in the several Gazettes of this State. And in case the sum or sums of money with which such lands, negroes, or any other taxable prop-

Land, &c. of ab-
sent owners to
be assessed and
advertised.

A. D. 1745.

Taxes not paid
in one year,
lands &c. shall
be sold for tax.

Proviso.

perty, shall be so charged as aforesaid, and the lawful interest from time to time of the assessment made, shall not be paid to the inquirers, assessors and collectors, within one year next after notice shall be given as aforesaid, that then such lands, negroes or other taxable property, shall be forfeited to the State, and shall be sold at public vendue by the commissioners of the treasury for the time being, for general indents of this State. Provided always, that nothing in this Act contained shall extend to prejudice the rights of infants or femme coverts, who shall be entitled to their lands, negroes, or any other taxable property, upon claiming the same, within two years after they come of age or become discovverts, upon their paying and discharging all taxes and arrears of taxes that shall and may be due and unpaid thereon, and satisfying the lessee of such lands for all improvements made thereon.

Treasurers to
furnish copies
of this Act.

XX. That the commissioners of the treasury are hereafter required to furnish copies of any tax Act to each of the assessors or collectors hereafter appointed, within three months after the passing of any tax Act, and their reasonable expenses incurred thereby shall be reimbursed.

Inquirers and
collectors to
give bonds.

XXI. And be it further enacted by the authority aforesaid, That the inquirers, assessors, and collectors of the taxes, shall give bond before the justices, of the county courts, where county courts are established, in the sum of one thousand pounds, with security, to be approved of by the said justices, for the faithful discharge of the duties of their office, and which said bond shall be lodged by the said justices in the treasury of this State.

Bonds to be
approved of by
justices of the
county.

XXII. And be it further enacted by the authority aforesaid, That the inquirers, assessors, and collectors of the taxes for the parishes and counties where no county courts are established, shall be obliged to give bond before two or more justices of the said parish or county, with security to be by them approved, in the like sum of one thousand pounds, for the purposes aforesaid; Provided, nevertheless, that the inquirers, assessors, and collectors of the taxes for the parishes of St. Philip and St. Michael, Charleston, shall be obliged to give bond to the commissioners of the treasury in the sum of ten thousand pounds, with security to be by them approved, for the purposes aforesaid.

Officers to be
held during
good behaviour.

XXIII. And be it further enacted by the authority aforesaid, That the inquirers, assessors, and collectors shall continue in their respective offices during good behaviour, and be accountable for all moneys received for taxes by them respectively.

Inquirers, &c.
liable to process
execution.

XXIV. And be it further enacted by the authority aforesaid, That the several inquirers, assessors, and collectors of the taxes, shall be liable to be prosecuted by the attorney general on behalf of the State for all losses and damages that may be sustained by any omission or breach of duty.

Limits of St.
George's parish,
Dorchester.

XXV. And whereas, doubts have arisen with respect to the limits of St. George's parish, Dorchester; Be it therefore enacted by the authority aforesaid, That the inhabitants residing on the northeast side of Edisto river, from the mouth of the Four Hole Creek to the Orangeburgh district line, and also the inhabitants on the northeast side of the Four Hole Swamp, from the mouth of Dean Swamp, on a direct line to Izard's Cowpen, shall be considered and belong to the parish of St. George's, Dorchester; and the inquirers, assessors and collectors of the parish of St. George, Dorchester, are hereby required and authorized to demand and recover the taxes from the inhabitants residing within the limits aforesaid, imposed by the tax law of this year, and also all arrears of taxes that may be due from them for the years one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, one thousand seven

hundred and eighty-five, one thousand seven hundred and eighty-six, and one thousand seven hundred and eighty-seven. A. D. 1793.

XXVI. *And be it further enacted* by the authority aforesaid, That all penalties may be sued for under this Act by any person or persons whatsoever, which, upon recovery thereof, shall go one-half to such person informing or suing for the same, and the other half to the State. Penalties to be sued for.

XXVII. *Be it further enacted* by the authority aforesaid, That if any of the assessors, inquirers, collectors, commissioners of the treasury, sheriffs, constables, or other persons, shall be sued for any matter or thing by him or them done in the execution of this Act, it shall and may be lawful for such person or persons to plead the general issue, and give this Act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a non-suit, or discontinue his action, the said defendant or defendants shall recover treble costs of suit. Persons may plead the general issue.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT FOR RAISING SUPPLIES FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY-EIGHT. No. 1384.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner herein mentioned, should be assessed, raised, and paid into the public treasury of this State for the use and service thereof;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the sum of one per centum ad valorem, shall be, and is hereby, imposed on all lands granted within this State, and in the manner and under the several regulations hereinafter set forth and expressed, that is to say: 1. All tide swamp not generally affected by the salts or freshes, of the first quality, shall stand rated at six pounds per acre; of the second quality, four pounds per acre; of the third quality, two pounds per acre; all pine barren lands adjoining such swamps, or contiguous thereto, with respect to the benefit of water carriage, at ten shillings per acre; all prime inland swamp, cultivated and uncultivated, at an average of three pounds per acre; second quality, ditto, two pounds per acre; third quality, ditto, one pound per acre; pine barren lands, adjoining or contiguous thereto, at five shillings per acre; salt marsh or inland swamp, clearly proved to the assessors to be incapable of immediate cultivation, five shillings per acre. 2. High river swamp, or low grounds, cultivated and uncultivated, including such as are commonly called second low ground, lying above the flowing of the tides, and as high up the country as Snow Hill, on Savannah river, the fork of Broad and Saluda rivers, on the Congarees, Graves's Ford on the Wateree, and the boundary

Rate of taxation on lands.

A.D. 1798.

line on Pedee; the first quality at three pounds per acre; the second quality at two pounds per acre; the third quality one pound per acre; except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, which shall be assessed at five shillings per acre. 3. All high river swamp, or low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, fifteen shillings per acre. 4. All high lands without the limits of St. Philip's and St. Michael's parishes, on John's island, James island, and on the main, within twenty miles of Charleston, at one pound per acre. 5. All lands on the Sea islands, Stann's island included, or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation in corn or indigo, and not within the limits prescribed in class number four, one pound per acre. 6. All oak and hickory high lands lying below Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, or the boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers four and five, at fifteen shillings per acre. 7. All pine barren lands not included in classes number one, four, and five, to be assessed at one shilling per acre. 8. All oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality, eight shillings per acre; the second quality, five shillings per acre; the third quality, two shillings per acre. 9. All oak and hickory lands above the old Indian boundary line, the first quality, six shillings per acre; the second quality, three shillings per acre; the third quality, one shilling per acre. That all lands within the parishes of St. Philip and St. Michael, shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to the lands in the country.


Rate of taxing
slaves, &c.

II. *And be it further enacted* by the authority aforesaid, That the sum of nine shillings and four pence shall be levied on all negroes and other slaves whatsoever, within the limits of this State, and the sum of one per cent. on every hundred pounds value of every lot, wharf, or other lands, and on all buildings within the limits of any town, village, or borough, in this State; and the sum of nine shillings and four pence upon each wheel of every carriage, except wagons, carts, and drays; and the sum of nine shillings and four pence upon every free negroe, mulattoe, and mustazoe, from sixteen to fifty years of age; and the sum of one per cent. on every hundred pounds of every person's stock in trade, of persons in trade, shopkeepers and others; and the like sum of one per cent. on the profits of faculties and professions, telergymen, schoolmasters and schoolmistresses excepted; and factorage employments throughout this State—to be ascertained and rated by the several assessors and collectors hereinafter named, according to the best of their knowledge and information; to be paid in special indents, specie, or the paper medium of this State.

Special indents
to be emitted.

III. *And be it further enacted* by the authority aforesaid, That to facilitate the payment of taxes hereby imposed, immediately after the passing of this Act special indents shall be issued to the amount of all the interest on principal indents due on or before the first day of April next; and on the first day of every succeeding January, in the same manner, special indents for all interest that may accrue to and for the first day of April following. Which special indents shall be of the following denominations, viz.

1200	of	£20	£21,000
2200	-	10	22,000
2200	-	6	13,200
1200	-	5	6,000

1200	-	-	-	3	-	-	-	3,600	A. D. 1788.
1000	-	-	-	2	-	-	-	2,000	
2000	-	-	-	1	-	-	-	2,000	
2400	-	-	-	10s.	-	-	-	1200	
3500	-	-	-	5	-	-	-	875	
1000	-	-	-	1	6d.	-	-	75	
1000	-	-	-	1	-	-	-	50	
								<hr/>	
								£75,000	

800	of	-	-	£20	-	-	-	£16,000
1422	-	-	-	10	-	-	-	14,222
800	-	-	-	6	-	-	-	4,800
2800	-	-	-	5	-	-	-	14,000
489	-	-	-	2	-	-	-	978
								<hr/>
								£50,000

And be printed in the presence and under the directions of, and be signed by, James Ballantine, Jacob Deveaux and James Kennedy, or any two of them, and with such devices as they, or any of them, shall direct; and they shall receive the sum of forty pounds each for their said services. And the said special indents shall be countersigned by one of the commissioners of the treasury, and delivered to the holders of indents, their agents, or attorneys, any time after their said interest shall become due and payable, as aforesaid; and on the payment of these special indents, a receipt shall be endorsed on the principal indents respectively, for the interest so received; and the said special indents shall be received by the collectors and treasurers in payment of taxes, when they shall be crossed with a pen and filed: provided, that no special indent shall be issued to any person or his order, who shall be indebted to this State on indent, and which debt, or the interest thereon, shall be due at the time of application for such special indent, until the person or his agent shall have first discharged such debt or demand so due to this State.

Directions to be observed in issuing said indents.

IV. *And be it further enacted* by the authority aforesaid, That the special indents for the years 1784, 1785, 1786, and 1787, be indiscriminately received in payment of the taxes imposed by this Act or the Acts imposing taxes for the years 1784, 1785, 1786 and 1787.

Special indents to be received in payment of taxes.

V. *And be it further enacted* by the authority aforesaid, That the monies arising from specie, notes and bonds in the treasury, for duties, taxes and amercements, be appropriated to the payment of interest on the foreign debt.

Appropriation for the foreign debt.

VI. *And be it further enacted* by the authority aforesaid, That the monies which shall arise from duties and the vendue tax from the first day of January, one thousand seven hundred and eighty-eight, to the first day of January, one thousand seven hundred and eighty-nine, be appropriated, first, to the payment of all persons described and entitled to pensions, in and by virtue of the Resolution of the Legislature passed for their relief the fifteenth day of March, one thousand seven hundred and eighty-six; and secondly, to the payment of the civil list: next, of the contingent expenses of Government; and lastly of the interest on the foreign debt.

Further appropriations.

VII. *And be it further enacted* by the authority aforesaid, That whosoever shall erase or counterfeit, or utter any erased or counterfeited special indents, to be emitted as aforesaid, or shall pass, or offer to pass, any of them, knowing them to be altered, erased, or counterfeited, shall, on conviction thereof, suffer death without benefit of clergy.

Death to counterfeit.

A. D. 1793.

Assessors and
collectors
appointed.

VIII. *And be it further enacted* by the authority aforesaid, That the following persons shall be, and are hereby appointed, collectors and assessors for the parishes and counties, as hereinafter mentioned, that is to say: For the parishes of St. Philip and St. Michael, Charleston, one for each parish, Edward Trevaunt and William Rogers; for the parish of Christ Church, Clement Brown; for the parish of St. John, Berkley county, Keating Simons; for the parish of St. Andrew, James Island excepted, Captain Abraham Ladson; and for James Island, William Rivers, Jr.; for the parish of St. George, Dorchester, Morton Waring; for the parish of St. James, Goose Creek, Henry Gray; for the parish of St. Thomas and St. Dennis, Thomas Harwon; for the parish of St. Paul, that is to say, for the south side of Cane swamp, as far as Colonel Skirving's, and along the main road to Jacksonborough, Pon Pon, Wiltown, and Togodo, Thomas Farr, Jr.; and for the north side of the Swamp, Beech Hill, and Horse Savannah, in the said parish, Robert Miles; for the parish of St. Bartholomew, Colonel Peter Youngblood; for the islands in the parish of St. Helena, except Lincoln county, William Joyner; and for that part of the parish situate on the main, James Garvey; for the parish of St. James, Santee, Charles Gaillard; for the parish of Prince George, Winyah, Thomas Dandier; for the parish of All Saints, John Morrall; for the parish of Prince Frederick, John Thompson Greene; for the parish of St. John, Colleton county, that is to say, for Walmetlaw and John's Island, Thomas Hanscombe; for Edisto Island, Thomas Whaly; for the parish of St. Peter, Lincoln county excepted, Peter Porcher; for Lincoln county, John Paisley; for the parish of Prince William, John Lightwood; for the parish of St. Stephen, Captain John Palmer; for Clarendon county, Camden district, William McConico; for Richland county, John Hopkins; for Fairfield county, Robert Craig; for Clairmont county, William Murrell and John Harlan; for Lancaster county, Lazarus Alexander; for York county, Alexander Moore; for Chester county, John Mills, Jr.; for Abbeville county, Ninety-Six district, Patrick Calhoun, and above the ancient boundary line, Captain John Wilson; for Edgefield county, ditto, William Anderson; for Newbury county, ditto, Philemon Waters; for Laurens county, ditto, Jonathan Johnson; for Spartanburgh county, ditto, William Benson; for Union county, ditto, John Blasingame; for Greenville county, ditto, Robert Maxwell; for Lewisburgh county, Orangeburgh district, William Heatly; for Orange county, ditto, Lewis Lestergette; for Lexington county, ditto, John Bynum; for Winton county, ditto, Colonel William Davis; for Marlborough county, Cheraw district, Josiah Evans; for Chesterfield county, ditto, Captain Calvin Spencer; for Darlington county, ditto, John McCall.

Collectors to
be two persons,
one assessor and en-
quirers.Their compen-
sations.

IX. *And be it further enacted* by the authority aforesaid, That the persons so appointed collectors shall also discharge the duty and office of enquirers and assessors for their respective parishes and counties.

X. *And be it further enacted* by the authority aforesaid, That the persons appointed enquirers, assessors and collectors, shall, for their service in the discharge of their duties, receive, on closing their accounts with the commissioners of the treasury, four per centum, except for the parishes of St. Philip and St. Michael in Charleston, who shall receive two per centum, on the amount of the taxes by them collected, to be paid to the several collectors aforesaid out of any moneys in the treasury.

XI. *And be it further enacted* by the authority aforesaid, That no member of the Legislature, while he continues such, shall be a tax collector.

XII. *And be it further enacted* by the authority aforesaid, That when all the collectors that were appointed for any parish or county are dead, and

the tax returns not closed with the treasurers, the ensuing collector be directed, and he is hereby directed and ordered, to demand receipts, or to administer an oath, or to procure other satisfactory proofs from the persons of the county or parish, that he has paid his taxes for the preceding years, in order to discover the taxes still due, and to enable the public to ascertain what sums of money are due by the estates of the deceased collector; and should the executors or administrators of the deceased collector refuse to produce the accounts of the deceased, or give information on the subject, the commissioners of the treasury are hereby ordered to put the law in force against the estates of the deceased collectors.

A.D. 1788.

Returns of
former taxes
to be made.

XIII. *And be it further enacted* by the authority aforesaid, That the said assessors and collectors shall do and perform all and singular the duties appertaining to their office, as described in an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein."

Duty of the
assessors and
collectors.

XIV. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury are hereby directed to furnish copies of this Act to each of the assessors and collectors hereby appointed, within three months after the passing of this Act, and their reasonable expenses incurred thereby shall be reimbursed.

Treasurers to
furnish copies
of this Act.

XV. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury are hereby directed to call upon the collectors of the tax for the years 1783, 1784, 1785, 1786, and 1787, and that the said collectors shall make a return upon oath of all the monies which they have received for taxes, and shall be obliged to make out a just and true account of all the defaulters in their several parishes or districts, to the present collectors, who shall hereby be authorised and empowered to collect and receive the same.

Returns to be
made by former
collectors.

ESTIMATE

Of supplies wanted for the support of Government, for the year one thousand seven hundred and eighty-eight.

His Excellency the Governor's salary, - - - -	£ 900 00 00
Four Judges of the General Sessions and Common Pleas, at £500 each, -	2000 00 00
Attorney General, - - - -	200 00 00
Three delegates to Congress at £600 each, - - - -	1800 00 00
Secretary to the Governor and Clerk to the Privy Council, - - - -	150 00 00
Auditor of public accounts, - - - -	373 00 00
Two Commissioners of the Treasury, - - - -	571 00 00
And for their extra services, and clerks, - - - -	460 00 00
And for one other clerk, - - - -	140 00 00
Clerk of the Senate, - - - -	287 00 00
Clerk of the House of Representatives, - - - -	287 00 00
Two messengers, one to each house, at £70 each, - - - -	140 00 00
Two doorkeepers, ditto, at fifty pounds each, - - - -	100 00 00
Powder Inspector and Arsenal keeper, - - - -	100 00 00
Three Judges of the Court of Chancery, at £500 each, - - - -	1500 00 00
Collector of the Customs for the Port of Charleston, - - - -	500 00 00
Collector of the Customs for the Port of Georgetown, - - - -	100 00 00
Collector of the customs for the port of Beaufort, - - - -	100 00 00
Searcher of the customs for the port of Charleston, - - - -	150 00 00
Two Waiters of the customs for the port of Charleston, at £100 each, -	200 00 00
Waiter of the customs for the port of Georgetown, - - - -	30 00 00
Waiter of the customs for the port of Beaufort, - - - -	20 00 00

£10,108 00 00

A. D. 1788.

INCIDENTAL CHARGES

Expenses of the Members of the Legislature,	4000 00 00
Printer's bill,	300 00 00
For the transient poor,	1000 00 00
Interest of the domestic debt,	75,000 00 00
Provision for Congress, to be paid in facilities, \$108,996	
Interest due to foreign creditors, to Jan. 1st, 1788,	12,306 17 24
Amount of Pensions, Annuities, &c. &c.	1600 00 00
For the maintenance of the post of Fort Johnson,	265 00 00
For the payment of Resolutions of the General Assembly,	5,500 00 00
For building Court Houses and Gaols,	7,826 00 00
Contingent fund, to remain subject to the Governor's drafts,	3000 00 00
Clerk to the Commissioner of Accounts,	150 00 00
Resolutions of the Legislature, to be paid his Excellency the Governor,	
\$2,000, for Indian affairs,	466 13 04

In the Senate, Wednesday, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1385. *AN ACT TO AMEND AN ACT ENTITLED "An Act for establishing a Market in the Town of Georgetown."*

Preamble.

WHEREAS, by an Act passed the twenty-seventh day of March, one thousand seven hundred and eighty-seven, it is enacted that the public market place in the town of Georgetown, shall there after be and continue in the centre of Front or Bay street, at the end of Broad street; and whereas, the inhabitants of the said town have prayed, by their petition to the Legislature, that the place aforesaid may be altered, and that the place hereinafter mentioned may be established instead thereof, for the purpose aforesaid;

Market place altered.

I. Be it therefore enacted, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the public market place in the town of Georgetown aforesaid, shall hereafter be and continue at the end of Screen street, on Front or Bay street, any law to the contrary notwithstanding.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1386. *AN ACT TO ALTER THE PLACE OF HOLDING THE ELECTIONS FOR THE MEMBERS OF THE LEGISLATURE AND PARISH OFFICERS, FOR THE PARISH OF ST. JOHN, COLLETON COUNTY.*

WHEREAS, the holding of the elections for the members of the Legislature and parish officers for the parish of St. John, Colleton county,

are inconvenient and partial, inasmuch as the said parish church is not centrally situated; A.D. 1788.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all elections in future for members of the Legislature and parish officers, which shall hereafter be held in the parish of St. John, Colleton county, shall be at the Rock Landing, at the end of the public road, on Wadmelow Island. Place for holding elections altered.

II. *Be it further enacted* by the authority aforesaid, That the commissioners of the high roads shall have full power, and are hereby authorised, to erect a small building at the end of the public road at the Rock Landing, on Wadmelow Island, for the purpose of holding the said elections; A small building to be erected for holding elections. the expense of which to be defrayed by the voluntary subscription of the inhabitants of the said parish.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT authorising Justices of the Peace, where there are no County Courts established, to issue Attachments against the property of persons who are about to abscond, or remove privately out of the State or District. No. 1387.

(Passed February 27, 1788. *See last volume.*)

AN ACT TO IMPOWER PHILIP PORCHER TO PAY HIS AMERCEMENT BY A DISCOUNT ON THE GENERAL INDENTS PAID TO HIM BY THIS STATE FOR MONIES LENT BY HIM TO THE PUBLIC. No. 1388.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for Philip Porcher to pay the amount of his amercement by a discount from the general indent given to him for monies lent by him to this State; and the commissioners of the treasury are hereby authorised and directed to receive the same in discount, as full payment from Philip Porcher, for his amercement.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

A. D. 1732.

No. 1389. AN ACT authorising persons having in their possession or taking up runaway Slaves, to send them to the goals of the districts where they may be apprehended, and not to the work-house of Charleston.

(Passed February 27, 1788. See last volume.)

No. 1390. AN ACT TO EXEMPT THE ESTATE OF HENRY PERONNEAU, DECEASED, FROM THE PAYMENT OF THE AMERCEMENT IMPOSED THEREON.

Preamble.

WHEREAS, Mrs. Mary Peronneau, the widow of Arthur Peronneau, merchant, deceased, hath, by her petition to the General Assembly, represented that the late Henry Peronneau did, by his last will and testament, devise and bequeath the residue of his estate to her son, William Peronneau, whereby he is become liable to discharge the amercement imposed on the said estate; and whereas, it appears from the said petition that the said Mary Peronneau and her children have sustained such considerable losses from the calamities of war and fire, as to entitle them to legislative attention;

The estate of
H. Peronneau
exempted from
amercement.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the estate of the said Henry Peronneau be, and the same is hereby, exonerated and discharged of and from the amercement laid on the said Henry Peronneau, by an Act passed the twenty-sixth day of March, one thousand seven hundred and eighty-four; any thing therein contained to the contrary thereof in any wise notwithstanding.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1391. AN ACT TO APPROPRIATE THE INTEREST ARISING FROM THE PAPER MEDIUM OF THIS STATE TO THE DISCHARGE OF THE FOREIGN DEBT, IN AID OF SUCH OTHER FUNDS AS HAVE BEEN OR SHALL BE HEREAFTER APPLIED TO THAT PURPOSE.

Preamble.

WHEREAS, the funds which have been from time to time appropriated to the payment of the foreign debt of this State have been greatly deficient, and inadequate even to the discharge of the interest thereof, and the Legislature of this State are solicitous to adopt every system which can expedite the payment of the said debt;

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the interest which shall grow due

on the paper medium of this State on the first Wednesday in March, one thousand seven hundred and eighty-nine, after deducting therefrom the sum of three thousand five hundred pounds, and as much more as will defray the expenses of the loan office, and satisfy the salaries of the commissioners of the same; and that so much of the interest which shall grow due on the said paper medium on the first Wednesday in March of the years one thousand seven hundred and ninety and one thousand seven hundred and ninety-one, respectively, after deducting therefrom the expenses and salaries aforesaid, be, and the same is hereby, appropriated to the payment of the said foreign debt, in aid of such other funds as have been or shall hereafter be applied to that purpose; and the said several sums so arising as aforesaid from the interest to become due on the said paper medium, shall not, except as aforesaid, be applied to any other purpose whatsoever.

A. D. 1788.

Appropriation
for the payment
of the foreign
debt.

In the Senate, Wednesday, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT FOR NATURALIZING JAMES ATKINS AND JOHN SIMPSON. No. 1392.

WHEREAS, the said James Atkins, a native of England, and John Simpson, a native of Ireland, have, by their petition to the Legislature, humbly prayed that they may be partakers of the rights, privileges and immunities of citizens of the State of South Carolina; Preamble.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James Atkins, a native of England, now a resident at Camden, and John Simpson, a native of Ireland, now a resident in Laurens county, Ninety-Six district, in this State, on their respectively taking and subscribing the oaths of allegiance and abjuration, before any one of the associate judges of the court of common pleas of this State, be deemed, adjudged and taken to be citizens of the State aforesaid, to all intents, constructions, and purposes, (and which said oaths any one of the said judges for the time being is hereby authorised and empowered to administer); any law, usage or custom to the contrary thereof in any wise notwithstanding. Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to make the said James Atkins and John Simpson eligible to be members of the Legislature until after they have resided in this State seven years; any law to the contrary notwithstanding.

James Atkins
and John Simpson admitted
to the rights of
citizenship.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

A. D. 1788.

No. 1393. AN ACT for granting the sum of three thousand five hundred pounds for the building of a Court House and Jury Rooms for the District of Charleston, and for appointing and empowering Commissioners to execute the same.

(Passed February 27, 1788. See last volume.)

No. 1394. AN ACT TO OBLIGE ALL PERSONS WHO HAVE BECOME CITIZENS OF THIS STATE SINCE THE REVOLUTION, AND TAKEN THE OATHS PRESCRIBED BY THE ACT ENTITLED "*An Act to confer the rights of Citizenship on Aliens,*" PASSED MARCH 26, 1784, AND ALSO AN ACT ENTITLED "*An Act to confer certain rights and privileges on Aliens, and for repealing the Acts therein mentioned,*" PASSED MARCH 27, 1786, TO ENTER THEIR NAMES IN THE SECRETARY'S OFFICE, AND OBTAIN CERTIFICATES FROM THE SECRETARY OF THEIR BEING ADMITTED CITIZENS.

Preamble.

WHEREAS, it is necessary and proper that a record should be kept of the names of all such person and persons who have applied for and have been admitted to the rights and privileges of citizenship of this State, by virtue of the Act entitled "*An Act to confer the rights of Citizenship on Aliens,*" passed the twenty-sixth day of March, one thousand seven hundred and eighty-four," and also an Act entitled "*An Act to confer certain rights and privileges on Aliens, and for repealing the Acts therein mentioned,*" passed the twenty-second day of March, one thousand seven hundred and eighty-six—that the descendants of such persons as have become citizens may hereafter, if need require, have an opportunity of obtaining an authenticated certificate thereof, and also that the public at large may know who have become citizens of this State, by virtue of the above recited Acts;

Names of persons admitted citizens to be recorded in the Secretary's office.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives of the State of South Carolina, now sitting in General Assembly, and by the authority of the same, That the Secretary of the State for the time being shall, and he is hereby directed and required to, keep a book in his office for the purpose of recording all certificates which shall be produced to him by any person or persons who have obtained the same from either of the judges of the court of common pleas, agreeable to the direction of the said recited Acts, of their having taken the oaths and become citizens of this State; and after entering the same in the said book of record, the Secretary shall return to all such person and persons a certificate thereof, that he or they may produce the said certificate when so required; and for recording the same, and giving a certificate thereof as aforesaid, the secretary shall be entitled to take and receive a fee of five shillings, current money of this State, and no more. And in case any person or persons who have been admitted to the rights and privileges of a citizen, and taken the oath mentioned in the said Acts, shall refuse or neglect to carry the certificate of his being admitted a citizen to the secretary's office as aforesaid, and obtain a certificate from the secretary, as by this Act

is directed, (if he or they are residing within the limits of the city of Charleston.) within the space of three months, and (if residing in any part of the country) within six months from the passing of this Act, all such person or persons so neglecting to record the certificate in the secretary's office, the person or persons who intend to avail himself or themselves of any of the rights granted in the said recited Acts shall be obliged, when required, to produce a record of his or their certificate from the secretary's office, and in default thereof the privilege demanded shall not be admitted.

A. D. 1788.

In the Senate House, the twenty-seventh day of February in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT to alter and amend the Act respecting the High Roads and Bridges, passed the twenty-second of March, one thousand seven hundred and eighty-five; and for laying out several new Roads, and establishing sundry Ferries, therein mentioned No. 1395.

(Passed February 27, 1788. *See last volume.*)

AN ACT to carry into effect the Ordinances of Congress for establishing Courts for Trial of Piracy and Felonies committed on the High Seas. No. 1396.

(Passed February 27, 1788. *See last volume.*)

AN ACT to incorporate the Camden Orphan Society, and the Friendly Cambridge Society, in Ninety-Six District. No. 1397.

(Passed February 27, 1788. *See last volume.*)

AN ACT FOR REPEALING AN ACT ENTITLED "*An Act for disposing of certain estates and banishing certain persons therein mentioned,*" SO FAR AS THE SAME RELATES TO THE ESTATES, REAL AND PERSONAL, OF JEREMIAH KNOTT, DECEASED, AND TO HIS HEIRS AND DEVISEES. No. 1398.

WHEREAS, by an Act passed at Jacksonborough, on the twenty-sixth day of February, in the year of our Lord one thousand seven hundred

A. D. 1789.

Preamble.

and eighty-two, entitled "An Act for disposing of certain estates, and banishing certain persons therein mentioned," commonly called the Confiscation Act, all the estates, real and personal, which were of Jeremiah Knott, deceased, at the time of his death, or of his heirs or devisees at the time of passing the said Act, were confiscated and forfeited to the use of this State. And whereas, James Vallotton, of or near Pittsburgh, on the river Savannah, and Elizabeth his wife, lately filed their bill in the honorable the court of chancery of this State, to prove and substantiate the right of the said Elizabeth Vallotton to the said estates, real and personal, as the niece and heiress at law of the said Jeremiah Knott, deceased; which said claim, after due form of law, hath there been proved and established;

Former act re-
pealed to a cer-
tain extent.

1. *Be it therefore enacted* by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same. That the said recited Act be, and is hereby, repealed, so far as the same relates to the said estates, real and personal, of the said Jeremiah Knott, deceased; which said estates shall be, and they are hereby, taken from and divested out of the commissioners of forfeited estates, and from and after the passing of this Act the same shall be, and they are hereby, vested in the said James Vallotton, in trust for the use of his said wife Elizabeth Vallotton, her heirs and assigns forever, or for such uses and purposes as she shall by her last will and testament direct and appoint, in as full and ample manner as if the said said Act had never passed.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1399. *AN ACT* TO AUTHORIZE THE AUDITOR GENERAL TO RECEIVE AND AUDIT THE CLAIMS AND DEMANDS OF JAMES COOK AGAINST THE CONFISCATED ESTATE OF JOHN CHAMPEYS, AND THE CLAIMS OF LEWIS BOTNER AGAINST THE STATE.

Preamble.

WHEREAS, by an Act passed the eleventh of March, one thousand seven hundred and eighty-six, it was enacted that no account, either against the State or against persons whose estates have been confiscated, should be received by the auditor after the expiration of three months from the passing of the said Act. And whereas, James Cook hath, in and by his petition set forth, that John Champneys is justly and truly indebted unto him in and by a certain bond or obligation, with a mortgage of certain lots situate on the wharf formerly the property of the said John Champneys, and since confiscated, both bearing date the second day of February one thousand seven hundred and eighty-two, for the payment of one thousand pounds sterling money, and also in and by another bond or obligation bearing date the second day of December, one thousand seven hundred and eighty-two, conditioned for the payment of one hundred and twenty seven pounds three shillings and eight pence sterling. And whereas, it appears that the said claims and demands are just and fair, but that the said James Cook was prevented by unavoidable mistomines and extraordinary circumstances, from delivering in the same to the auditor, to be received and audited, within the time prescribed by the law as aforesaid;

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the above recited Act passed on the eleventh day of March, one thousand seven hundred and eighty-six, be so far repealed as to admit the auditor to receive and audit the aforesaid demands of James Cook, in the same manner as if the aforesaid Act had never been made. A.D. 1788.
James Cook.

II. And whereas, Lewis Bottner has petitioned the Legislature, setting forth that he has a well-founded claim against the State, which, from particular circumstances, was not presented within the time limited by law; *Be it therefore enacted*, by the authority aforesaid, That the above recited Act passed on the eleventh day of March, one thousand seven hundred and eighty-six, be so far repealed as to admit the auditor to receive and audit the aforesaid demands of the said Lewis Bottner, in the same manner as if the aforesaid Act had never passed. Lewis Bottner.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT TO INVEST IN SAMUEL KNIGHT, AND HIS ASSIGNS, THE EX-
CLUSIVE RIGHT OF CONSTRUCTING AND VENDING A MACHINE FOR THE
POUNDING OF RICE, FOR THE TERM THEREIN MENTIONED. No. 1400.

WHEREAS, the said Samuel Knight hath, by his humble petition to the General Assembly, set forth that he hath, with much attention, labor, and expense, invented and constructed the model of a machine, which he believes will be of great utility to the State in beating out rice, and praying the exclusive right of making and vending machines constructed on the said model, for a term of years;

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act the said Samuel Knight, and his assigns, shall have the sole and exclusive right and liberty of erecting, building, constructing, and vending within this State, the said machine for pounding of rice, for and during the term of fourteen years. And if any person or persons do or shall, during the said term herein limited, erect, build, construct, or sell any such machine without the leave, license, or permission of the said Samuel Knight, or his heirs or assigns, first had and obtained in writing, signed by him or them in the presence of one or more witnesses, contrary to the true intent and meaning of this Act, every such offender shall forfeit and pay the sum of fifty pounds sterling, for the use of the said Samuel Knight, his heirs or assigns, to be recovered in any court of record of the said State by action of debt, bill, or plaint, in which no wager of law, essoign, privilege, or protection, or more than one imparlance, shall be allowed: provided always, that if any person or persons shall tender or pay to the said Samuel Knight, his heirs or assigns, the sum of five pounds sterling, he or they shall and are obliged and required to grant each and every such person or persons, Right granted
to Samuel
Knight.

A. D. 1788.

a license and permission, signed as above directed, authorizing him or them to construct or build such machine.

Model to be
lodged in the
office of the
secretary of
the State.

II. *And be it further enacted* by the authority aforesaid, That in order to prevent any person from pleading ignorance of the principles on which the said machine is constructed, the said Samuel Knight shall immediately after the passing of this Act lodge an exact plan or model of the same in the secretary's office of this State, there to remain for the term aforesaid, to which all persons shall, at all office hours, have recourse for inspection and examination.

In the Senate House, Wednesday, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1401. *AN ORDINANCE* FOR APPOINTING PROPER PLACES FOR THE TEMPORARY HOLDING OF THE OFFICES OF THE SECRETARY OF THE STATE, PROTHONOTARY OF THE COURT OF COMMON PLEAS, CLERK OF THE GENERAL SESSIONS, SURVEYOR GENERAL, AND REGISTER OF MESNE CONVEYANCES; AND FOR OTHER PURPOSES.

Preamble.

WHEREAS, the rooms which were heretofore appointed by law for the holding the records and offices of the secretary of the State, prothonotary of the court of common pleas, clerk of the sessions, surveyor general, and register of mesne conveyances, have been unfortunately destroyed by fire;

Commissioners
appointed to fit
up rooms for
certain State
officers.

I. *Be it ordained* by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That Daniel Cannon, Daniel Stevens, Anthony Toomer, William Johnson, and Richard Lushington, Esquires, be, and they are hereby appointed, commissioners for the repairing and fitting up the first floor of the guard-house in a proper manner for the holding the said offices, and records belonging thereto; and that as soon as the said house shall be so fitted up, the commissioners aforesaid shall give notice thereof to his Excellency the Governor, who is hereby authorized and empowered to direct that the records of the said offices be there deposited, and the offices there held, till the Legislature shall otherwise determine. And that the said commissioners, or any two of them, be, and they are hereby, authorized to draw the sums requisite for the above purposes, out of any moneys lying in the treasury.

Courts to be
held in the City
Hall, Charle-
ston.

II. *And be it further enacted* by the authority aforesaid, That till a proper place in Charleston shall be built for the holding the courts of chancery, general sessions and common pleas, that the same, by the assent of the infant and wardens of Charleston, be held in the city hall.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

A. D. 1788.

AN ORDINANCE to appoint Commissioners for opening Walls's Cut. No. 1402.

(Passed February 27, 1788. *See last volume.*)

AN ORDINANCE for opening the Navigation of a Creek called the Stave Landing Creek, and to dig a Canal from the upper end of the said Creek to the main road leading from Charleston to Camden. No. 1403.

(Passed February 27, 1788. *See last volume.*)

AN ORDINANCE TO SECURE TO ISAAC BRIGGS AND WILLIAM LONG-STREET, FOR THE TERM OF FOURTEEN YEARS, THE SOLE AND EXCLUSIVE PRIVILEGE OF USING A NEWLY CONSTRUCTED STEAM ENGINE INVENTED BY THEM. No. 1404.

WHEREAS, the principles of natural equity and justice require that authors and inventors should be secured in receiving the profits that may arise from the sale or disposal of their respective writings and discoveries, and such security may encourage men of learning and genius to publish and put in practice such writings and discoveries as may do honor to their country and service to mankind. And whereas, it is represented to the General Assembly of this State, that Isaac Briggs and William Longstreet have invented a steam engine, more powerful in its operation, and more simple in its construction, than any hitherto in use :

Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Isaac Briggs and William Longstreet, their heirs and assigns, shall have the sole and exclusive right of using within this State their said engine, for the term of fourteen years from the passing of this Ordinance. And if any person or persons shall, within the said term, presume to construct, or in any manner put in practice within this State, any steam engine on the same principles as that of the aforesaid Isaac Briggs and William Longstreet, without the consent of the said inventors and proprietors in writing, signed in the presence of two or more credible witnesses, every such person or persons shall forfeit and pay to the said proprietors double the value of every engine or engines so constructed, to be recovered by the said proprietors by action of debt; and the payment of such forfeiture shall not entitle the person or persons so trespassing, to continue in his or their trespass. Provided nevertheless, that the said Isaac Briggs and William Longstreet shall, within one year from the passing of this Ordinance, actually put in practice their said engine, and lodge an accurate account of the precise principles and construc-

Right granted to Briggs and Longstreet.

A. D. 1793.

tion thereof in the office of the secretary of this State, who is hereby authorized and required to record the same.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twentieth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1405. *AN ORDINANCE* FOR APPOINTING AND AUTHORIZING COMMISSIONERS TO RESURVEY AND LAY OUT THE TOWN OF WILLIAMSBURGH, IN THE DISTRICT OF GEORGETOWN.

Commissioners
appointed to
lay out lots in
Williamsburgh

I. *Be it ordained*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That the persons herein named, to wit, John McCauley, John Burgess, senior, James Witherspoon, junior, William Frierson, John Scott, Robert McConnell, Thomas McConnell, James Fleming, senior, and Robert Frierson, shall be commissioners, and have authority to cause to be resurveyed and laid out in half-acre lots, all that parcel of land allotted by law for the town of Williamsburgh, in Georgetown district, and bounding as follows, viz. on the southwest by Black river, on the northwest by the land of John Scott, on the northeast by lands of James Witherspoon, junior, and Moses Gordon, and on the southeast by the lands of Thomas Landale.

Persons to
hand in their
claims to the
commissioners.

II. And as sundry grants of lands had passed between the year one thousand seven hundred and thirty, and the year one thousand seven hundred and forty-five, under the name of bounty lands, the proprietors whereof were entitled to lots in the said town, many of which lots were not laid out or ascertained to the proprietors: *Be it ordained* by the authority aforesaid, That all proprietors of lands under the said description, and having a right to a lot or lots in the said town, shall, within six months after the passing of this Ordinance, make known to the said commissioners their claim, by producing their titles, to enable the said commissioners to assign to each claimant the quantity he is entitled to; and thereupon the commissioners shall locate and lay out the same in such manner as shall be reasonable. The said commissioners shall reserve such lots as they shall deem necessary for two churches, for a public school and market house, and other public purposes, and shall sell or dispose of the residue, by public auction or otherwise, as they shall deem most advantageous; and the moneys arising therefrom, after paying the surveyor and other necessary charges, shall be appropriated for the establishing a public school for the education of youth in the said town, under direction of the said commissioners.

Commissioners
to fill vacancies,
&c.

III. *And be it further ordained* by the authority aforesaid, That any five of the said commissioners shall have authority to act under this Ordinance; and to fill any vacancies which may happen by the death, refusal, or removal of any of the other commissioners.

Persons may
plead the gen-
eral issue.

IV. *And be it further ordained* by the authority aforesaid, That if any person shall be sued for any thing done by virtue of this Ordinance, he

may plead the general issue, and give this Ordinance and the special matter in evidence.

A D. 1783.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ORDINANCE for the better establishing of Huger's Ferry, on the Congaree river. No. 1406.

(Passed February 27, 1788. *See last volume.*)

AN ORDINANCE for establishing a Ferry near Rocky Creek, on the Catawba river, and vesting the said Ferry in the Company for opening the Navigation of the Catawba and Wateree rivers. No. 1407.

(Passed February 27, 1788. *See last volume.*)

AN ORDINANCE TO REPEAL IN PART "*An Ordinance for appointing Brigadier General Francis Marion Commandant of Fort Johnston,*" PASSED MARCH 10, 1784; AND FOR OTHER PURPOSES HEREIN MENTIONED. No. 1408.

WHEREAS, the great expense of maintaining the post at Fort Johnston in its present form, is become burthensome to the citizens of this State; Preamble.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met and sitting in the General Assembly, and by the authority of the same, That the said before recited Ordinance, and all matters and things therein contained, be, and the same is hereby, repealed. Former ordinance repealed.

II. *And be it further ordained* by the authority aforesaid, That Brigadier General Francis Marion be, and he is hereby, continued in the command of the post at Fort Johnston, and shall have all the power and authorities as when he was appointed commandant thereof, and shall receive as a compensation for his services, five shillings per day. General Marion continued in command.

III. *And be it further ordained* by the authority aforesaid, That the Governor or Commander-in-chief for the time being is hereby authorized and empowered to appoint a sergeant and six men, invalids from the late disbanded troops of this State, if such can be procured competent to the

A. D. 1783.

General Marion and seven men to reside at Fort Johnston.

service, and if not, such others as his Excellency the Governor may think fit and proper, the pay of sergeant to be ten dollars per month, and each of the men one shilling per day, and ten pence each for rations: and which shall be paid quarterly by the commissioners of the treasury, out of the tonnage money imposed upon shipping; and the said Brigadier General Marion, with the seven men so to be appointed, shall reside at Fort Johnston, and shall do and perform all the requisite duties appertaining to the said post.

In the Senate House, the twenty-sixth day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1409. *AN ACT TO DECLARE VOID AND OF NONE EFFECT A GRANT OF LANDS IN THE FORK OF BROAD AND SALUDY RIVERS, UNLAWFULLY OBTAINED.*

Preamble.

WHEREAS, Jonas Beard, in the year one thousand seven hundred and eighty-six, obtained a warrant of survey to appropriate to himself the whole of the vacant lands in the Fork between Broad and Saludy rivers, beginning as far up Broad river as thirty-one miles from the confluence, and ran a single line across the neck, until he struck the river Saludy, a distance of about sixteen miles: and passing through sundry settlements, the property of others under former grants, without surveying the course of the rivers, or making any other than a single line. Although he could not possibly know what tracts, or how much vacant lands lay interspersed among the settlements throughout that great body of land, yet he returned into the office a plat thereof, which he laid down from, and according to, Guillard's map, and estimated the quantity at about fifty-one thousand three hundred acres, and passed the same into a grant so suddenly, that the inhabitants whose property was threatened had not information or opportunity to caveat the same. Thus, in order to oblige the inhabitants of that extensive settlement to produce their titles, or if they had lost them in the war, or by other accident, to seize their land as vacant. In order, therefore, to prevent the alarms of the people, and the litigation and suits that may arise from the said unreasonable and unlawful grant:

I. Be it enacted, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, that the said grant is hereby declared void, and of none effect.

In the Senate, Friday, the twenty-ninth day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

A. D. 1788.

AN ACT TO PROCURE A CENSUS OF THE FREE WHITE INHABITANTS OF THIS STATE. **No. 1410.**

WHEREAS, the representation in the second branch of the Legislature is not only too great but unequal; and whereas, a perfect knowledge of the number of free white inhabitants is necessary for ascertaining a just and adequate representation; Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commanding officer of every regiment of militia throughout this State, shall, within six months after the passing of this Act, issue out his orders to the several captains, or other officers commanding companies of their respective regiments, requiring them, and each of them, to take an exact enumeration of all the free white men of every age, from sixteen years and upwards, dwelling within the circle of their respective beats or companies, within one month from the time such orders shall be issued; and within fourteen days thereafter return the same to the commanding officer of the regiment to which he belongs, who shall, within ten days after the receipt of the same, make a general return of the whole number to the commanding officer of the district; and the brigadiers or other officers commanding districts, are required to make out general returns from those made to them, signed by themselves, and return them to the secretary's office on or before the first day of October next.

II. *And be it enacted* by the authority aforesaid, That any officer refusing or neglecting to execute the same, shall be liable to the penalty of fifty pounds sterling. Penalty on refusing or neglecting to take a census of the people.

In the Senate House, the twenty-ninth day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT to alter and amend the several County Court Acts. **No. 1411.**

(Passed February 29, 1788. *See last volume.*)

AN ACT to amend an Act entitled "An Act to authorize Commissioners for continuing East Bay street to Ashley river, to make a new assessment for completing the same; and to repeal such clauses of the High Road Act, passed the twenty-second day of March, one thousand seven hundred and eighty-five, as relates to the said street." **No. 1412.**

(Passed February 29, 1788. *See last volume.*)

A. D. 1788.

No. 1413. AN ACT for BUILDING A GOAL WITHIN ONE MILE OF COOSAWHATCHIE BRIDGE, AND FOR REMOVING THE COURT OF BEAUFORT DISTRICT FROM BEAUFORT TO THE SAID PLACE.

Preamble. WHEREAS, sundry inhabitants in Beaufort district on the main, have, by their petition, represented the great difficulties and inconveniences they experience from the court-house and gaol being on the island of Port Royal;

Commissioners appointed to procure the erection of a gaol.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the honorable John Bull and Thomas Heyward, junior, Esquires, Charles Dupont, James Postell, George Hipp, John McPherson, Thomas Hutson, and Samuel Mamer, Esquires, shall be, and are hereby appointed, commissioners to agree with any person or persons to erect and build a gaol within one mile of Coosawhatchie bridge; and they are hereby empowered to purchase so much land for the purpose aforesaid, as to them shall seem necessary.

To be called one of the gaols of Beaufort district.

II. *And be it further enacted* by the authority aforesaid, That as soon as a good and sufficient gaol shall be finished within one mile of Coosawhatchie bridge, as aforesaid, the jurors to be summoned for Beaufort district shall be summoned to appear at the said place, where the courts of common pleas and the general sessions of the peace shall then and thereafter be held; and the said gaol shall be deemed and called one of the gaols of Beaufort district.

In the Senate House, the twenty-ninth day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twentieth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1414. AN ACT for incorporating divers Religious Societies therein named.
(Passed February 29, 1788. See last volume.)

No. 1415. AN ACT to incorporate the Vestries and Churchwardens of the Episcopal Churches in the Parishes of St. Luke, St. Matthew, Prince George, Winyaw, St. Stephen, and St. James, Goose Creek, and also the Vestries and Churchwardens of the Episcopal Churches of Claremont and of St. Helena Island.

(Passed February 29, 1788. See last volume.)

A. D. 1788.

AN ORDINANCE AUTHORISING HIS EXCELLENCY THE GOVERNOR TO No. 1416.

APPOINT COMMISSIONERS TO CONTRACT WITH PROPER PERSONS TO REPAIR OR REBUILD (WHERE NECESSARY) THE COURT HOUSES AND GAOLS IN THE SEVERAL CIRCUIT DISTRICTS OF THIS STATE, AND TO GIVE ORDERS ON THE TREASURY FOR DEFRAYING THE EXPENSE THEREOF.

I. *Be it ordained*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That his Excellency the Governor for the time being shall be, and he is hereby, fully authorised and empowered to appoint commissioners in the several circuit districts of this State, to contract with proper persons to undertake the repairing or rebuilding (where necessary) of the court house and gaol in each of the said districts; and he is also hereby authorized to give orders on the treasury in favour of the said commissioners for defraying the expense thereof, to be paid out of such money as has been by law appropriated for the above purpose.

Governor empowered to appoint commissioners.

In the Senate, Friday, the twenty-ninth day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ACT TO SUSPEND THE OPERATION OF THE LIMITATION ACT FOR No. 1417.

THE TIME THEREIN MENTIONED, AND TO ALTER AND AMEND THE SAID Act.

I. *Be it enacted*, by the honorable the Senate and the House of Representatives, and by the authority of the same, That the operation of an Act entitled "An Act for settling the titles of the inhabitants of this Province to their possessions in their estates within the same, and for limitation of actions, and for avoiding suits at law," passed the twelfth day of December, in the year of our Lord one thousand seven hundred and twelve, shall be, and the same is hereby, suspended, so far as the same shall extend to actions of debt, covenant, assumpsit, trover, and detinue, until the twenty-eighth of March, one thousand seven hundred and ninety-one.

Limitation Act suspended till March 23, 1791.

II. *And be it enacted* by the authority aforesaid, That persons under twenty-one years shall be allowed five years after attaining the said age to prosecute their right or title to lands, four years after attaining such age to prosecute any personal action, to which they are or may be entitled; any thing in the said Act passed the twelfth day of December, one thousand seven hundred and twelve, to the contrary hereof in any wise notwithstanding.

Persons under age.

In the Senate House, the twenty-ninth day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

A.D. 1788.

No. 1418. AN ACT TO ESTABLISH THE BOUNDS OF THE PRISONS OR COMMON GAOLS IN THE SEVERAL DISTRICTS AND COUNTIES OF THE STATE.

WHEREAS, humanity requires that the confinement of prisoners on civil process should be less rigorous than it has hitherto been;

Prisoners' bounds on mesne process extended.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That all prisoners on mesne process in any civil action, who are or shall be committed to the custody of any or either of the sheriffs of the counties or districts of this State, on complying with the requisitions contained in this Act, shall be entitled, in every day during his, her or their confinement, to be and remain unmolested in any part of the rules, bounds or limits of the prison where he, she or they shall be confined; which rules, limits or bounds shall extend to three hundred and fifty yards in a direct line from each side of the prison walls; and the said rules, limits or bounds shall be marked out and ascertained in some distinct manner, by the respective sheriffs of each district and county, within one month after passing this Act, that the same may be publicly and generally known.

Security to be given.

II. *And be it further enacted* by the authority aforesaid, That no person committed on mesne process as aforesaid shall be entitled to the benefit of the said rules, limits or bounds, before he or she shall have given satisfactory security to the sheriff of the district or county where he or she may be confined as aforesaid, not to go or be without the said rules; and the sheriff shall be answerable for the solvency of such security.

Prisoners on civil process.

III. *And be it further enacted* by the authority aforesaid, That all prisoners in execution on any civil process, who are or shall be committed to the custody of any or either of the sheriffs of the districts or counties of this State, shall be entitled to the benefit of the said rules, bounds or limits, provided he or she shall, within forty days after being taken in execution, give satisfactory security to the sheriff of the district or county where he or she may be confined for the solvency of which security the sheriff shall also be answerable) that he or she will not only remain within the said rules, bounds or limits, but will also, within forty days, render to the clerk of the court in the district or county where he or she shall be confined, a schedule, on oath or affirmation, (agreeable to the form of his or her religious persuasion,) of his or her whole estate, or of so much thereof as will pay and satisfy the sum due on the execution by force of which he or she shall be confined.

Prisoner to render a schedule on oath of his estate.

IV. *And be it further enacted* by the authority aforesaid, That any prisoner confined on mesne process shall have liberty to render, at any time during his or her confinement on such process, a schedule, on oath or affirmation, (agreeable to the form of his or her religious persuasion,) of his or her whole estate, or of so much thereof as will pay and satisfy the sum really due on the action on which he or she may be confined; and the clerk of the court in the district or county where he or she shall be confined, within ten days after the receipt of the schedule from the prisoners confined as aforesaid on execution or mesne process, if the case may be, shall give public notice that the prisoner will be liberated and the property assigned, unless satisfactory cause is shewn to the contrary before one or more of the judges of the court where the process originated, or one or more of the commissioners appointed for taking special bail in the circuit district; and if no satisfactory cause shall be then shewn to the contrary, the judge or justice, or commissioner of special bail, before whom the

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prisoner shall be brought, shall order an assignment of the prisoner's estate and effects, mentioned in the schedule, to be made to the plaintiff; subject nevertheless to all prior encumbrances: whereupon the creditor may take possession, and, if necessary, sue in his or her own name for the recovery thereof, and the prisoner shall be discharged from confinement; but if the plaintiff shall show cause for disbelieving the prisoner's oath or affirmation, or shall desire further time for information, the judge, justice or commissioner of special bail, as the case may be, shall have power to remand the prisoner, and appoint another day for his or her appearance; and if, on the second day, the plaintiff shall not appear, or shall be unable to prove that the prisoner's oath or affirmation ought to be disbelieved, the judge, justice or commissioner of special bail as aforesaid, after assignment made in manner above directed, shall discharge the prisoner.

V. *And be it further enacted* by the authority aforesaid, That the property mentioned in said schedule must be visible property, if the prisoner is possessed of any such, but if he or she is not, *choses in action* must be mentioned, with the names and places of abode of the witnesses thereto; and if the property mentioned in the schedule should prove deficient, any other property that the prisoner may have, or hereafter acquire, shall be liable for the demand for which he or she is confined.

Property must be visible.

VI. *And be it further enacted* by the authority aforesaid, That if any person confined on mesne process in any civil action, or on execution, (provided the person on execution has not been in actual confinement above forty days,) be determined to deliver up all his or her estate and effects, and to take the benefit of the Act for the more effectual relief of insolvent debtors, passed the seventh day of April, one thousand seven hundred and fifty-nine, he or she shall have the benefit of the said Act, although he or she may have given bail to the action, or not surrendered him or herself within ten days after the arrest, or not presented a petition within forty days after confinement, or not been actually confined three months, provided he or she comply with the other requisites of the said Act, and that the justices of the court from whence the process issued against such person shall be satisfied that he or she hath rendered a just and fair account of his or her estate; and in cases where such application shall be made by persons in confinement, on process issued from the court of common pleas to the sheriffs of the circuit court districts, such persons may make such surrender of his estate and effects to the three nearest justices of the peace, who shall receive and transmit such schedule to the clerk of the court of common pleas, without delay.

Persons delivering up their estates, to have the benefit of the insolvent act.

VII. *And be it further enacted* by the authority aforesaid, That any prisoner committed on execution aforesaid who shall not give in such schedule, agreeable to the tenor of his or her bond, shall not be any longer entitled to the benefit of the prison rules, but his bond shall be forfeited and assigned to the plaintiff; nor shall any prisoner be discharged without fully satisfying the action or execution on which he or she is confined, if, since his or her confinement, and before he or she gave security as aforesaid, he or she has been seen without the prison walls, or if, since his or her giving security, he or she has been seen without the prison rules, without being legally authorised so to be, or shall have spent more than two shillings and six pence a day, or if he or she is confined on account of wilful maihem, or wilful and malicious trespass, or for voluntary or permissive waste or damage done to the freehold, or who shall have, within three months before his or her confinement, or at any time since, paid or assigned his estate, or any part thereof, to one creditor in preference to another, or fraudulently sold, conveyed or assigned his estate, to defraud

Prisoner not giving in schedule to bond not entitled to bounds, &c.

A. D. 1788.

his creditors: but wherever a prisoner shall be accused by the plaintiff or his agent of fraud, or his having given an undue preference to one creditor, to the prejudice of the plaintiff, or of having made a false return, or of having gone without the prison walls, or prison rules, as the case may be, it shall be lawful for the judge or justice before whom the prisoner is brought to direct a jury to be impanelled and sworn to determine the fact.

Prisoners permitted to go out of bounds by sheriff, deemed an escape.

VIII. *And be it further enacted* by the authority aforesaid, That if any sheriff or his deputy shall permit any prisoner committed to his custody as aforesaid, to go or be without the prison walls, if such prisoner has not given the security required by this Act—and if such security has been given, if any sheriff or his deputy shall suffer such prisoner to go or be at large out of the rules of the prison, (except by some writ of habeas corpus or rule of court, which rule shall not be granted but by motion in open court)—every such going and being out of the prison and rules, as the case may be, shall be adjudged and deemed, and is hereby declared to be, an escape.

Sheriff refusing to show prisoner, adjudged an escape.

IX. *And be it further enacted* by the authority aforesaid, That if any sheriff or his deputy shall, after one day's notice in writing given for that purpose, refuse to shew any prisoner committed to his charge to the plaintiff at whose suit such prisoner was committed, or to his attorney, such refusal shall be adjudged to be an escape.

Penalty for false schedules.

X. *And be it further enacted* by the authority aforesaid, That any person who shall deliver in a false schedule of his effects shall suffer the penalties of wilful perjury, shall be liable to be arrested again for the action or execution on which he was discharged, and shall forever be disabled to take any benefit from this Act, and from the Act for the more effectual relief of insolvent debtors, passed the seventh day of April, one thousand seven hundred and fifty-nine.

Upon an escape plaintiff may proceed against defendant, &c.

XI. *And be it further enacted* by the authority aforesaid, That upon an escape the plaintiff may either proceed against the defendant to retake him, or against his security, or, in case the security should prove deficient, against the sheriff, who shall be ultimately answerable in damages for such escape; and the court of common pleas is hereby authorised and required to make all necessary rules and orders for the effectual carrying into execution this Act, according to the true intent and meaning of the same.

XII. *And be it further enacted* by the authority aforesaid, That the said Act entitled "An Act for the more effectual relief of insolvent debtors," passed the seventh day of April, one thousand seven hundred and fifty-nine, shall be deemed to be of full force in all matters wherein it is not repugnant to this Act; and that an Act entitled "An Act to alter and amend an Act for the more effectual relief of insolvent debtors," passed the eleventh day of March, one thousand seven hundred and eighty-six, be, and the same is hereby, repealed;

In the Senate, Friday, the twenty-ninth day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America:

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

A. D. 1793.

AN ACT to establish a Company for opening the Navigation of Broad and Pacolet Rivers. No. 1419.

(Passed February 29, 1788. See last volume.)

AN ORDINANCE TO EMPOWER THE HEIRS OF ISAAC MAZYCK TO PAY TO THE ELDERS OF THE FRENCH PROTESTANT CHURCH SUCH SUM OF MONEY AS SHALL BE AGREED ON BY THEM, IN LIEU OF A LEGACY BEQUEATHED BY THE SAID ISAAC MAZYCK TO THE SAID CHURCH. No. 1420.

WHEREAS, Isaac Mazyck did, by his last will and testament, bequeath to the French Protestant church of the city of Charleston the interest annually arising out of one hundred pounds, to be paid by his heirs and assigns: and whereas, the collecting the said annual interest from the numerous heirs of the said Isaac Mazyck, is attended with considerable trouble and inconvenience;

Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the heirs of the said Isaac Mazyck be, and they are hereby, authorized and empowered to pay to the elders of the said French church such sum of money as shall be agreed on by the heirs of the said Isaac Mazyck and the said elders, in lieu of the annual interest arising as aforesaid out of the said sum of one hundred pounds; such sum, when received, to be applied by the said elders to the improvement of the revenues of the said French church.

Heirs of Isaac Mazyck to pay a sum of money to the French Church.

In the Senate House, the twenty-ninth day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ORDINANCE FOR REPEALING SO MUCH OF THE ORDINANCES PASSED MARCH 16, 1783, AND MARCH 17, 1785, AS IMPOSED A DUTY ON LANDS AND NEGROES SOLD AT VENDUE; AND REMITTING THE VENDUE DUTY ON THE SALE OF THE GLEBE LAND BELONGING TO THE INDEPENDENT CHURCH, IN CHRIST CHURCH PARISH. No. 1421.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met in General Assembly, and by the authority of the same, That so much of the Ordinances passed on the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and the seventeenth day of March, one thousand seven hundred and eighty-

Part of two former Ordinances repealed.

A.D. 1788.

Vendue duty
remitted.

five, as imposed duties on lands and negroes to be sold at public auction, be, and the same are hereby, repealed.

II. *And be it further ordained* by the authority aforesaid, That the vendue duty on the sale of the glebe land late belonging to the Independent Church in Christ Church Parish, in February, one thousand seven hundred and eighty-seven, be, and the same is hereby, remitted.

In the Senate House, the twenty-ninth day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1422. *AN ORDINANCE* TO ENTITLE THE ELECTORS AND MEMBERS OF THE STATE CONVENTION TO PRIVILEGE DURING THEIR ATTENDANCE.

Privilege of
electors and
members of the
Convention.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the members of the Convention to assemble in May next in the city of Charleston, for the purpose of considering the Federal Constitution, referred to them, and all persons entitled to vote for the said members, shall enjoy the same privileges as are enjoyed by the electors and members of the General Assembly: any law, usage or custom to the contrary notwithstanding.

In the Senate House, the twenty-ninth day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1423. *AN ORDINANCE* TO REMOVE OBSTRUCTIONS TO THE PASSAGE OF FISH UP REEDY RIVER, AS FAR AS THE TUMBLING SHOALS.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every person who hath or may have erected any mill dams or fish dams across Reedy river, between the mouth thereof and the Tumbling Shoals, shall, by the first day of April next after the passing this Ordinance, provide a good and sufficient slope, eight feet wide, for the passage of fish; and upon neglect thereof shall forfeit and pay to any person who shall inform and sue for the same the sum of twenty shillings, for every

every week which such obstructions shall continue after the time aforesaid. A. D. 1788.

In the Senate House, the twenty-ninth day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

AN ORDINANCE for Ratifying and Confirming a Convention between the States of South Carolina and Georgia, concluded at Beaufort, in the State of South Carolina, on the twenty-eighth day of April, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America. No. 1424.

(Passed February 29, 1788. *Published in vol. 1, p. 411.*)

AN ORDINANCE FOR HOLDING THE COURTS OF COMMON PLEAS, AND GENERAL SESSIONS, AND CHANCERY, FOR THE DISTRICT OF CHARLESTON, IN SOME CONVENIENT PLACE, UNTIL THE COURT-HOUSE FOR CHARLESTON DISTRICT BE FINISHED. No. 1425.

I. *Be it ordained* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That until the court-house for the district of Charleston shall be made fit for holding the courts of common pleas, general sessions, and chancery, it shall be lawful to hold the said courts in the Exchange, or some other place within the city. And in case any court-house shall hereafter be destroyed, it shall be lawful to hold the court in some other convenient place in Charleston, or the vicinage thereof. Courts to be held temporarily in the Exchange.

In the Senate, Tuesday, the fourteenth day of October, in the year of our Lord one thousand seven hundred and eighty-eight, and in the thirteenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

A. D. 1733.

No. 1426. *AN ACT* FOR VESTING IN ROBERT HERIOT, ESQUIRE, A CERTAIN SUM OF MONEY, FOR THE USE OF JOHN CASSELS, A MINOR.

Preamble.

WHEREAS, by a certain deed made in contemplation of a marriage between James Cassels, late of South Carolina, planter, and Susanna Man, the said James Cassels covenanted and agreed with Robert Heriot, Esquire, of the place aforesaid, that if the said marriage should take effect, and the said Susanna should depart this life in the lifetime of him the said James Cassels, then the said Susanna might appoint the sum of five thousand pounds of the then lawful money of South Carolina aforesaid, to such person and to such use as she might direct by her last will and testament, or other writing purporting to be her last will, signed and sealed in the presence of two or more credible witnesses, which said sum of five thousand pounds the said James Cassels further agreed to pay to such person or persons as the said Susanna should appoint the same as aforesaid. And whereas, the said Susanna departed this life soon after the said marriage, leaving a son, John Cassels, now a minor, who is the sole issue of the said marriage, but neglected in her lifetime to execute the power reserved to her as aforesaid by the said marriage deed. For remedy whereof, and for fully carrying into effect the real intentions of the said parties to the said deed;

Commissioners
of forfeited es-
tates to pay
Robert Heriot
a certain sum
in trust.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly now met, and by the authority of the same, That the commissioners of forfeited estates do pay to the said Robert Heriot, his executors or administrators, the sum of seven hundred and fifteen pounds sterling, out of the proceeds of the sale of such part of the estate lately belonging to the said James Cassels, as may be still remaining in their hands to be sold; which said sum of money is hereby vested in the said Robert Heriot, his executors and administrators, in trust for the use and benefit of the said John Cassels, his executors, administrators, and assigns.

In the Senate, Tuesday, the fourteenth of November, in the year of our Lord one thousand seven hundred and eighty-eight, and in the thirtieth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1427. *AN ACT* PRESCRIBING, ON THE PART OF THIS STATE, THE TIMES, PLACES, AND MANNER OF HOLDING ELECTIONS FOR REPRESENTATIVES IN THE CONGRESS, AND THE MANNER OF APPOINTING ELECTORS OF A PRESIDENT, OF THE UNITED STATES.

Preamble.

In order to carry into effect on the part of this State the Constitution for the United States of America:

1. *Be it enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the elections in this State for members of the House of

Representatives in the Congress of the United States, shall be had in the manner following, that is to say, this State shall be, and is hereby declared to be, divided into five districts, of which, for the present, Charleston district shall form one; Beaufort and Orangeburgh districts united, another; Georgetown and Cheraw districts united, another; Camden district another; and Ninety-Six district another; and each of the said five districts shall send one member from this State to the House of Representatives in the Congress of the United States, to be chosen by the persons qualified to vote for members of the House of Representatives of this State. And the said elections shall be holden at the times and places, and regulated and conducted in the same manner, as the elections for the members of the House of Representatives of this State at the next general election. And the person who, at the said election, shall have the greatest number of votes in the district of Charleston, and the person who shall have the greatest number of votes in the united districts of Beaufort and Orangeburgh, and the person who shall have the greatest number of votes in the united districts of Georgetown and Cheraw, and the person who shall have the greatest number of votes in Camden district, and the person who shall have the greatest number of votes in Ninety-Six district, shall be the members from this State to the House of Representatives in the Congress of the United States.

A.D. 1788.

Manner of holding elections for members of Congress.

II. *And be it further enacted* by the authority aforesaid, That the officers or persons by whom each of the said elections shall be conducted, and who shall be the same persons as shall conduct the elections for members of the Legislature, shall make a true return within twenty days thereafter to the Governor or Commander-in-chief of this State, of the names of the persons voting, and of the candidates or persons voted for, at the said election, and of the number of votes given thereat for each of the said persons. And that on the fifth day of January next, or as soon thereafter as the Council can be convened, the Governor shall cause the said returns to be examined in Council in a public manner, and ascertain the number of votes given at the said elections for every person, and what five persons have respectively the greatest number of votes in the said districts. And having ascertained who are the said five persons duly elected in manner aforesaid to be members of the House of Representatives in the Congress of the United States, the Governor or Commander-in-chief for the time being shall cause the same to be immediately notified by proclamation, and notice of such election to be given to each member. And that the Governor or Commander-in-chief shall deposite the original poll of each district in the secretary's office of the State.

True returns to be made within twenty days after the election.

III. *And be it further enacted* by the authority aforesaid, That in case the same person shall be returned for two or more of the said districts, he may choose, within twenty days after due notice shall be given him thereof, for which district he will serve, and on his making such choice, or neglecting so to do within the said term, the Governor or Commander-in-chief for the time being shall direct another election to be held within twenty days thereafter, for the vacant district or districts, to be conducted and regulated in like manner as before prescribed. And the Governor or the Commander-in-chief shall proceed in the same manner where the member elected in any of the said five districts refuses to serve, or omits to signify to the Governor or Commander-in-chief his intention of serving, within twenty days after he has received due notice of his election; and in case of the death of any person elected, or if his seat shall become vacated by any other means, or if two or more persons shall have equal votes for any dis-

Person returned for two districts to make choice within twenty days which he will serve.

A. D. 1793.

Electors of
President of
the U. States
to be chosen
by the Legisla-
ture.

trict, the Governor shall order a new election, as the case may require, to be conducted as near as may be in manner before prescribed.

IV. *And be it further enacted* by the authority aforesaid, That electors of a President of the United States shall be appointed by the Legislature of this State on the first Wednesday in January next, or by such persons as shall be returned members thereof, and shall attend on that day; and the said electors, previous to executing their appointment, shall, before his Excellency the Governor or Commander-in-chief for the time being, take the following oath or affirmation, viz. "I, A B, do solemnly swear or affirm, that I will faithfully and conscientiously discharge my duty as an elector of a President of the United States. So help me God."

In the Senate House, the fourth day of November, in the year of our Lord one thousand seven hundred and eighty-eight, and in the thirteenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1428. **AN ACT FOR THE RELIEF OF CERTAIN PERSONS, CITIZENS OF THIS STATE, WHO ARE CREDITORS ON SIMPLE CONTRACT OF FOREIGNERS WHO ARE DEAD.**

Preamble.

WHEREAS, it is at all times difficult, and oftentimes impracticable, for persons who reside in this State, and carry on commerce in foreign parts, to obtain from their debtors bonds or other specialities for their respective demands, whereby an undue preference may be given to those creditors who, from their vicinity to the person so dying, may have liquidated their debts and obtained bonds for the same. And whereas, it is just and reasonable that the assets in this State should be answerable for the debts due to the citizens of the State, of what nature or kind soever the same may be;

The effects of
deceased per-
sons, not resi-
dents, liable to
be taken for
debt.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That where any person (not a citizen of this State) has died, or shall die, already indebted to a citizen of this State, the assets and effects within the same, of such deceased person, being sufficient for the payment of all his debts, shall be liable to discharge the debts due the citizens of the State, in the same manner as if the same had been liquidated by bond or other specialty; any law, usage, or custom to the contrary notwithstanding.

In the Senate, Tuesday, the fourth day of November, in the year of our Lord one thousand seven hundred and eighty-eight, and in the thirteenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

A. D. 188.



AN ACT FOR PREVENTING THE TRANSPORTATION OF CONVICTED MALEFACTORS FROM FOREIGN COUNTRIES INTO THIS STATE. No. 129.

WHEREAS, the honorable the Congress of the United States, by their resolve of the sixteenth of September last, did recommend to the several States to pass proper laws for preventing the transportation of convicted malefactors from foreign countries into the United States, and the Legislature of this State have judged it expedient to comply therewith, to prevent a practice so injurious and affrontive to the American nation;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every master or person having charge of any ship or other vessel, who shall hereafter bring into this State any convicted malefactor or person ordered for transportation for any crime or offence whatever, from any foreign country, State, or dominion, the ship or vessel bringing such persons shall be obliged to leave the port in which she shall arrive, within ten days after arrival, and shall not be permitted to take or receive on board any lading whatsoever, on pain of forfeiture of such ship or vessel; and if any master shall land, or suffer to be landed, or dispose of the time or service of such person for the payment of his passage, or any other claim or demand, such master of vessel or other person having the charge thereof, shall forfeit and pay for every convicted malefactor or person ordered for transportation, which such master shall bring into this State, and offer to dispose of on indenture, or other contract for service, the sum of five hundred pounds sterling.

Transportation
of convicts pro-
hibited.

II. *And be it further enacted* by the authority aforesaid, That every master of any vessel, or person having charge thereof, who shall bring into this State any passenger or passengers, with intent to dispose of the time of service of such passenger or passengers, for payment of his or their passage money, or any other claim, such master of vessel shall, and he is hereby obliged to, deliver at the time of entering his vessel to the collector of the port where he shall enter, a list of all such persons whom he intends to dispose of for service, and a particular description of each, and the collector shall administer to him the following oath or affirmation, viz. "I, A B, do swear (or affirm) in the presence of Almighty God, that the passenger or passengers whom I have brought in my ship or vessel to be disposed of on service for payment of his, her, or their passage, is not, or are not, any of them, convicted malefactors, or persons ordered for transportation for any crime or offence whatever; but on the contrary, are, to the best of my information, belief, and knowledge, of good fame, character, and reputation; nor have I brought in my ship or vessel, with intent to be landed in this State, any person or persons whom I have reason to suspect is a convicted malefactor, or has been ordered for transportation for any crime or offence whatever. So help me God."

Masters of ves-
sels to deliver
on oath their
list of passen-
gers.

Oath.

III. *And be it further enacted* by the authority aforesaid, That if any master of any ship or other vessel shall dispose of any person for service in this State, or shall land and put on shore any passenger suspected to be a convicted malefactor, before such captain or master has made oath as aforesaid, every such captain or master of such vessel shall forfeit and pay the sum of five hundred pounds for every person who shall be disposed of or put on shore contrary to the meaning and intention of this Act.

Penalty.

IV. *And be it further enacted* by the authority aforesaid, That in case

A.D. 1788.



any captain or master of any ship or vessel, shall not, after conviction, be able to pay the penalty inflicted by this Act, he shall suffer twelve months close imprisonment.

How to over-
able.

V. *And be it further enacted* by the authority aforesaid, That the fines and forfeitures inflicted by this Act, shall and may be recovered by action of debt, bill, plaint, or indictment, to which any person offending shall be compelled to give security to abide the issue of the suit; a moiety or half part of which forfeiture shall go to the prosecutor who shall inform and sue for the same, and the other moiety or half part for the benefit of the State.

In the Senate, This day, the fourth day of November, in the year of our Lord one thousand seven hundred and eighty-eight, and the first year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 430. AN ACT to authorize Mathias Liverman to erect Bridges over Salt-catcher river, at or near Williams's Ford, and to vest a Toll, to be collected at the said Bridges, in the said Mathias Liverman, for a term therein mentioned.

(Passed November 4, 1788. See last volume.)

No. 431. AN ACT TO REGULATE THE PAYMENT AND RECOVERY OF DEBTS; AND TO PROHIBIT THE IMPORTATION OF NEGROES FOR THE TIME THEREIN LIMITED.

Preamble

WHEREAS, the laws heretofore made concerning the recovery of debts are found inadequate to the relief of the distresses of the people of this State;

Debtors to
pay by instal-
ments.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all debts whatsoever contracted previous to the first day of January, in the year of our Lord one thousand seven hundred and eighty-seven, (except debts hereinafter excepted,) shall be recoverable by instalments only, to be paid in proportion and manner hereinafter following, that is to say, that the debtor shall, on the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, pay to his creditor one fifth part of the amount of the principal and interest of the debt; and shall, on the twenty-fifth day of March, in the year one thousand seven hundred and ninety, pay to his creditor one other fifth part of the debt, with the interest that shall have accrued on the said debt; and shall, on the twenty-fifth day of March, in the year one thousand seven hundred and ninety-one, pay to his creditor one other fifth part of such debt, with the interest which shall have accrued

on the said debt; and shall, on the twenty-fifth day of March, in the year one thousand seven hundred and ninety-two, pay to his creditor one other fifth part of such debt, with the interest which shall have accrued on the said debt; and shall, on the twenty-fifth day of March, in the year one thousand seven hundred and ninety-three, pay to his creditor the balance of the said debt, with the interest thereon. Provided, that whatever sum shall be paid on account of any instalment, shall be in the first place applied to the extinguishment of the interest.

A. D. 1758.

II. *And be it further enacted* by the authority aforesaid, That all bonds or notes which have been given since the first day of January, in the year one thousand seven hundred and eighty-seven, for debts contracted previous to that day, and all bonds or notes which have been given payable according to the instalments prescribed by any former Acts, shall be no otherwise recoverable than in the manner above directed.

Bonds, &c.
how recoverable.

III. *And be it further enacted* by the authority aforesaid, That in all cases where any sum has been paid since the twenty-eighth day of March, one thousand seven hundred and eighty-seven, on account of any debt contracted prior to the first day of January, one thousand seven hundred and eighty-seven, such sum shall be allowed the debtor in the payment of any instalment which shall become due under this Act.

Payments how allowed.

IV. *And be it further enacted* by the authority aforesaid, That all cash contracts; monies had and received by one person for the use of another; all monies paid by a surety for a principal; all monies due on policies of and premiums for insurance, subsequent to the fourteenth day of December, in the year of our Lord one thousand seven hundred and eighty-two; all monies due on protested bills of exchange, (provided, nevertheless, that it extend not to bills or orders drawn by one person on another, within the State, or bills of exchange drawn for cargoes of negroes, or bills of exchange drawn previous to the said fourteenth day of December, in the year of our Lord one thousand seven hundred and eighty-two); all monies payable by executors, guardians, or trustees, by virtue of any decree or judgment of any court, for the education, maintenance and support of orphans; all debts contracted for the boarding, schooling or tuition of youth; the interest due on the paper medium; all sums due for taxes and duties to the public; all debts due upon the sales of lots of land in the town of Columbia; all debts contracted payable in principal and special indents; all sums not exceeding five pounds; all actions of trespass, *vi et armis*, ejectment, actions of trover, actions for rent, *qui tam* actions, actions of slander or malicious prosecutions, or actions of assault or battery, or false imprisonment, actions in nature of actions for deceit or breach of covenant, or other actions of mere tort or injury—be excepted out of this law. Provided always, that nothing in this clause contained shall be construed to except out of the operation of this law all duties due to the public prior to the twelfth day of October, one thousand seven hundred and eighty-five, or such debts payable to the public in money as were incurred for the purchase of confiscated property, sold for the benefit of creditors, or such amercements as may be still due to the public, but the same shall be recoverable by instalments only.

Exceptions.

Proviso.

Proviso.

V. *And be it further enacted* by the authority aforesaid, That the creditor in every case may insist on having sufficient security for the whole debt, payable by instalments, as aforesaid; and after demand, either personally or in writing, by him, her, or his or her attorney, if the debtor shall fail within thirty days to give such security, within the county or parish in which he shall reside, as any one or more of the judges of the superior court, any one or more of the justices of the county courts, any one or

Security if required.

A.D. 1778.

Proviso.

more of the justices of the peace of the county or parish, any one or more of the commissioners of special bail, not exceeding three respectively, at the option of the creditor, shall deem sufficient, then, and in such case, the creditor may forthwith commence a suit against the debtor for the recovery of the whole debt. Provided always, that if adequate security, as above prescribed, shall, after the commencement of such suit, be tendered by the debtor to the creditor, at any time pending the same, or before the sale under execution, then the instalment due on such debt shall be recoverable, and no more, till the subsequent instalment accrues. And no judgment which may be recovered for any money hereby directed to be paid by instalments, shall bind the property of the debtor for more than the instalment actually due, if the debtor shall give to the creditor such sufficient security for the remainder as is herein above required.

Property to be
levied on in
case of failure,
&c.

VI. *And be it further enacted* by the authority aforesaid, That if the debtor shall fail, neglect or refuse to give such security for the whole of the debt as is herein required, and judgment shall be obtained against him, and execution issued, in such case the property levied upon shall be sold for the benefit of the creditor, for payment of the whole debt, agreeably to the periods prescribed in this Act; and the sheriff shall take from the purchaser good and sufficient personal security, and mortgage, if required, of the property sold, for his complying with the terms of the sale. And if indivisible property should be sold for cash and credit, agreeably to the terms of this Act, then the creditor shall be obliged to take and receive from the sheriff so much of the bonds for which the property sold as shall amount to the debt, with good and sufficient personal security, and mortgage (if required) of the property sold; and the surplus, if any, shall be delivered to the debtor, who shall, upon the creditor's receiving the said bonds, be discharged from the debt.

Payment made
before execu-
tion issued,
future instal-
ment recover-
able.

VII. *And be it further enacted* by the authority aforesaid, That if judgment shall be obtained in any suit, and before the plaintiff proceeds to execution the defendant shall pay the instalment due, with the costs incurred, it shall not be necessary to renew the judgment by *scire facias*, or to commence another action when any subsequent instalment shall accrue, but it shall be sufficient to serve the defendant with a rule of court, thirty days previous to the sitting of the court, to show cause, if any he can, why an execution should not issue against him for the next instalment, which, if he fail to do, then execution shall issue accordingly; and the same proceedings shall be had upon every instalment becoming due.

Interest drawn.

VIII. *And be it further enacted* by the authority aforesaid, That the principal sum of all judgments which have been or shall be obtained, and all open accounts, shall draw interest from the time they become due. Provided always, that no judgment or open account shall draw interest for any time previous to the twenty-sixth day of March, one thousand seven hundred and eighty-four; provided also, that nothing in this Act contained shall be construed in any manner to affect the question of interest during the war between the citizens of the United States and the subjects of his Britannic Majesty, but that it shall be open to judicial decision in the same manner as if this Act had not passed.

Action, &c.,
not to continue
ed, &c.

IX. *And be it further enacted* by the authority aforesaid, That where executions have issued, judgment been entered up, verdicts obtained, or petitions commenced, since the Passes, and no proceedings have been had thereon for the space of a year or upward, they shall not be deemed discontinued and the parties obliged to take out a *scire facias*, or commence proceedings *de novo*, but it shall be sufficient to serve the defendant with a rule of court, thirty days previous to the sitting of the court,

commanding him to show cause, if any he can, why proceedings should not be continued; which if he fail to do, the said proceedings may be continued to execution, or the executions, where they have been issued, shall be renewed.

A. D. 1793.

X. *And be it further enacted* by the authority aforesaid, That whenever any levy has been made, or any execution, and no sale had thereon, the sheriff who has made the levy shall be entitled to receive from the debtor half commissions on the sum levied for and recoverable according to this Act, together with all legal charges actually incurred by him in making the said levy. Provided nevertheless, that if the sheriff who has made the levy as aforesaid does not carry the sale of the property into effect, that the half commissions and charges so paid him as aforesaid shall not be paid again to any other sheriff, but so much shall be allowed and passed to the credit of the debtor on account of the said execution.

Half commissions.

XI. *And be it further enacted* by the authority aforesaid, That no sheriff or other officer shall be authorized to sell any real or personal property in virtue of his office, at public auction, for specie only; but all purchasers at such sales shall have the option of paying either in specie or the paper medium; any law to the contrary notwithstanding.

Payable in the paper medium, &c.

XII. *And be it further enacted* by the authority aforesaid, That the judges of the supreme court shall have power to make all requisite rules and regulations for the better carrying this Act into execution in the most easy and equitable manner, between creditor and debtor; which rules and regulations, as far as may be practicable, shall be observed in all the courts throughout the State.

Power of the Judges.

XIII. *And be it further enacted* by the authority aforesaid, That no person shall avail himself of this law who shall fail to pay and discharge all his arrears of taxes now due since the year one thousand seven hundred and eighty-three, inclusive, within two months from the passing of this Act, and all taxes which may hereafter become due, within two months after the same may be so due; and that no tax collector shall have the benefit of this law who shall not settle his accounts with the commissioners of the treasury on or before the fifteenth day of January next, and return a list of all defaulters to the commissioners of the treasury, who are hereby directed to publish the same in the State Gazette.

Tax defaulters not entitled to the benefit of this Act.

XIV. *And be it further enacted* by the authority aforesaid, That the treasurers and tax collectors be empowered to receive the special indents issued and to be issued for the years one thousand seven hundred and eighty-eight and one thousand seven hundred and eighty-nine, in payment of all taxes, duties, or other debts due the public, and payable in special indents.

Special indents receivable.

XV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall assault, beat, wound or oppose any sheriff or sheriff's officer, or other person lawfully authorized, in the execution of their office, for the carrying of this Act into execution, each and every such person and persons, in addition to the punishment which may be inflicted by the court where such offence shall be tried, shall, on conviction, be thereafter rendered incapable of being employed by or of serving the State in any office, civil or military.

Penalty for assaulting sheriff, &c.

XVI. *And be it further enacted* by the authority aforesaid, That no negro or other slave shall be imported or brought into this State, either by land or water, on or before the first day of January, one thousand seven hundred and ninety-three, under the penalty of forfeiting every such slave or slaves to any person who will sue or inform for the same, and under the further penalty of paying one hundred pounds to the use of the State,

Penalty on importing slaves.

A. D. 1798.

for every such negro or slave so imported or brought in. Provided, that nothing in this prohibition contained shall extend to such slaves as are now the property of the citizens of the United States, and at the time of passing this Act shall be within the limits of the said United States.

Repealing clause.

XVII. *And be it further enacted* by the authority aforesaid, That all former instalment laws, and an ordinance imposing a penalty on persons importing negroes into this State, passed the twenty-eighth day of March, one thousand seven hundred and eighty-seven, be, and the same are hereby, repealed.

In the Senate, Tuesday, the fourth day of November, in the year of our Lord one thousand seven hundred and ninety-eight, and in the thirtieth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1432. *AN ACT FOR NATURALIZING THE REVEREND THOMAS FROST AND THE REVEREND THOMAS MILLS, AND THEIR DESCENDANTS.*

Preamble.

WHEREAS, the Reverend Thomas Frost, of Charleston, and the Reverend Thomas Mills, of Saint Andrew's parish, in the State aforesaid, have, by their respective petitions to the Legislature, humbly prayed that they and their descendants respectively may be partakers of all the rights, privileges and immunities which the natural born citizens of the State of South Carolina do enjoy;

Thomas Frost
and Thomas
Mills admitted
citizens.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Thomas Frost and Thomas Mills, on taking and subscribing the oaths of allegiance and abjuration, before any one of the judges of the court of common pleas of this State, they and their descendants respectively shall be deemed, adjudged and taken to be natural born citizens of this State, to all intents, constructions and purposes, as if they had been or were born within the same.

In the Senate House, the fourth day of February, in the year of our Lord one thousand seven hundred and ninety-eight, and in the thirtieth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

No. 1433. *AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TREASURY TO PAY THE MEMBERS, SECRETARY, MESSENGER AND DOORKEEPERS OF THE LATE STATE CONVENTION, AND THE MEMBERS OF THE LEGISLATURE, FOR THEIR ATTENDANCE DURING THE PRESENT AND FORMER SESSION; AND ALSO MR. PHILIP PRIOLEAU.*

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of

the same. That the commissioners of the treasury be authorized, and they are hereby authorized and ordered, to pay, out of any monies in the treasury, (prior to any other claim or order thereon,) or discount out of any duties that are due or may hereafter become due, such certificates as shall be presented to the said commissioners for the attendance of the members in the State Convention, subscribed by his Excellency Thomas Pinckney, Esq., President of the said Convention, and all such certificates for attendance of the members in either branch of the Legislature, for the present or the former session as shall be subscribed by the President of the Senate or Speaker of the House of Representatives; also, fifty pounds sterling to Mr. Philip Prioleau, for the use of his house, for the service of the honorable the Senate during the former and present session; any law to the contrary thereof in any wise notwithstanding.

A. D. 1788.

Treasurers to
pay certificates
of members.

II. *And be it further enacted* by the authority aforesaid, That John Sandford Dart, Esq. secretary of the convention, be allowed, for his services, twenty pounds; Ralph Atmar, messenger, and Ichabod Atwell and John Bonnéthau, doorkeepers, five pounds each; and that the secretary be also allowed all incidental charges to the convention, to be paid in the same manner as the members of the Legislature and Convention before recited.

Allowance to
Secretary, &c.

In the Senate House, the fourth day of November, in the year of our Lord one thousand seven hundred and eighty-eight, and in the thirteenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

**AN ORDINANCE TO REMOVE ANY OBSTRUCTIONS TO THE PASSAGE OF No. 1434.
FISH UP ROCKY RIVER, AS FAR AS JOSEPH CULTON'S MILL.**

I. *Be it ordained*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every person who hath or may hereafter erect any mill dams or fish dams across Rocky river, between the mouth thereof and Joseph Culton's mill, shall, by the first day of March next after passing this Ordinance, provide a good and sufficient slope, eight feet wide, for the passage of fish; and upon neglect thereof shall forfeit and pay to any person who shall inform and sue for the same, the sum of five pounds for every week during which such obstructions shall continue after the time aforesaid.

Obstructions to
be removed in
Rocky river.

In the Senate, Tuesday, the fourth day of November, in the year of our Lord one thousand seven hundred and eighty-eight, and in the thirteenth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN J. PRINGLE, *Speaker of the House of Representatives.*

A. D. 1739.

No. 1435. *AN ACT* TO EXEMPT JOHN CHAMPNEYS FROM THE PAINS AND PENALTIES OF THE ACT OF CONFISCATION.

WHEREAS, a number of citizens have petitioned the Legislature that the Act of confiscation and banishment may be taken off John Champneys;

J. Champneys
exempted from
penalty, &c.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Act, so far as it relates to the said John Champneys, be repealed: and that the said John Champneys be, and he is hereby, admitted to all the rights, privileges and immunities of a citizen of this State, upon his taking and subscribing the oaths of allegiance and abjuration before either one of the judges of the court of common pleas, and recording a certificate thereof in the Secretary's office; any former law to the contrary hereof in any wise notwithstanding.

In the Senate House, the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1436. *AN ACT* TO ALTER THE PLACES OF HOLDING ELECTIONS FOR MEMBERS OF THE LEGISLATURE FOR THE PARISHES OF SAINT JAMES, SANTEE, CHRIST CHURCH, PRINCE FREDERICK, ST. HELENA, ALL SAINTS, AND ST. GEORGE, DORCHESTER; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, the holding of elections for members of the Legislature for the parishes of St. James, Santee, at the parish church only, as the same is at present by law established, is found from experience to be very inconvenient:

Places of elec-
tion for Saint
James, Santee,
established.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all elections for the parish of St. James, Santee, for members of the Senate and House of Representatives, shall be held in future on the same day, at the Echaw church and the parish church, and that two managers be appointed for conducting the election at Echaw church; that the managers at each of the said churches shall receive the votes and take the names of the electors; and on the day following, they, or any two of them, provided there be one manager from each of the said places of election, shall meet at the parish church of St. James, Santee, compare the votes, and declare the persons elected; any law, usage or custom to the contrary notwithstanding.

For Christ
Church.

II. *And be it further enacted* by the authority aforesaid, That the managers of the elections of members of the Legislature for the parish of Christ Church, shall hold the same at the house at present belonging to and in the occupation of James Gouet Eden.

III. *And be it further enacted* by the authority aforesaid, That the elections for members of the Legislature for Prince Frederick parish shall, in future, be held on the same days, at the Kingstree bridge, and at the house at present in the occupation of George White, and also at the house at present in the occupation of Captain John McCree, and also at the Episcopal church of said parish; and that two managers shall be appointed for holding them at each of the said houses of George White and Captain John McCree, and at the Episcopal church, and Kingstree bridge, respectively. And the said managers, when the poll is closed, shall respectively seal up the ballot boxes; and any four or more of them, provided there shall be one from each of the said places last aforesaid, shall meet on the following day at the said house of the said George White, to open the same, and then and there declare the persons elected members of the General Assembly for the said parish.

A. D. 1769.

Places of election for Prince Frederick's parish.

IV. *And be it further enacted* by the authority aforesaid, That all elections in St. Helena parish for members of the Senate and House of Representatives shall be held at the church at Beaufort, and at the place appointed for building St. Luke's church, on the main, on the same days; and that managers be appointed for conducting the election on the main; and that the managers of both elections shall receive the votes, and take the names of the electors; and in six days after the election, the said managers, or any two of them, provided there shall be one manager from each of the said places of election, shall meet in Beaufort, and compare the votes, and declare the persons elected; any law, usage or custom to the contrary notwithstanding.

For St. Helena.

V. *And be it further enacted* by the authority aforesaid, That the managers for the election in All Saints parish, for members to the House of Representatives, shall keep a box and receive votes for a senator, to serve for the joint parishes of Prince George and All Saints; and the box shall be carried to Georgetown, within six days after the said election, by one of the managers for the said parish of All Saints, and the same shall be opened by the managers in Prince George's parish, in the presence of the managers of All Saints parish, and the votes shall be added to those received in Prince George's parish, and the managers as aforesaid shall declare the person elected a senator.

For All Saints.

VI. *And be it further enacted* by the authority aforesaid, That all the elections for the parish of St. George, Dorchester, for members of the Senate and House of Representatives, shall be held in future on the same days, at the parish church in the village of Dorchester, and at the chapel of ease at the Four Holes, in the said parish; and that two managers be appointed for conducting the election at the chapel of ease; that the managers of both elections shall receive the votes and take the names of the electors; and on the day following, they, or any two of them, provided there be one manager from each of the said places of election, shall meet at the parish church of St. George, Dorchester, to compare the votes and declare the persons elected; any law, usage or custom to the contrary notwithstanding.

For St. George, Dorchester.

VII. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any elector, in any or either of the parishes or districts which have been subdivided for the convenience of electors, to give more than one vote in the same parish or election district, for senators or for members of the House of Representatives of this State, under pain of forfeiting ten pounds lawful money of this State for every vote after the first, to be recovered by the attorney general, upon information of any citizen of this State, and to be applied to the sole use of the State.

No elector to vote at more than one place of election.

A. D. 1799.

Managers of
elections to
publish this
clause.

And in order to carry this purpose into effect, and to prevent as much as possible the giving of double votes, the managers of elections are hereby directed and required to publish, at the time of election, this clause, in the several parishes or districts subdivided, and to return to the clerk of the House from which any writ of election shall issue, together with the writ, an accurate list of the names of the voters in their respective parishes or election districts, who may vote at any such election for senators or members of the House of Representatives, on pain of forfeiting for such neglect the sum of ten pounds lawful money of this State, to be sued for, recovered and applied in like manner as the penalty last above mentioned, to the use of this State.

In the Senate House, the sixth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1437. *AN ACT TO CONFIRM THE TITLE OF THE COMPANY FOR OPENING THE NAVIGATION OF THE CATAWBA AND WATeree RIVERS TO LANDS PURCHASED BY THEM OF RICHARD ELLIS; AND TO VEST IN THE SAID COMPANY THE LANDS THEREIN MENTIONED.*

Preamble.

WHEREAS, the company for opening the navigation of the Catawba and Wateree rivers purchased five hundred acres of land at and near Rocky Mount, on the Catawba river, from Richard Ellis, for five hundred and eighty-one pounds sixteen shillings and three pence, and paid the said Richard Ellis one hundred and eighty pounds, in part of the said purchase money, but have lately discovered that a moiety of the premises was conveyed to him from James Rugge, since the twenty-sixth day of February, one thousand seven hundred and eighty-two, and is therefore liable to be sold by the commissioners of confiscated estates, for the benefit of the public, as part of the estate of the said James Rugge, whose estate has been confiscated; and whereas, the price given for the said land was the value thereof at the time of the said purchase, but the value has been greatly increased by the improvements, labour and expense of the said company; and from the indigent circumstances of the said Richard Ellis, they could not be recompensed in damages on being evicted of the said land; and the said Richard Ellis having consented to release the said company from a moiety of their debt, and that such moiety shall be paid by them to the public in case the Legislature think proper to confirm the title of the said company to the said land;

Title to land
confirmed.

1. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, met and sitting in General Assembly, and by the authority of the same, That the right and title of the said company of, in and to the land at and near Rocky Mount, on Catawba river, purchased by them of the said Richard Ellis, shall be, and the same is hereby, confirmed and established, and the said land is hereby vested in the said company and their successors forever.

II. *And be it further enacted* by the authority aforesaid, That the said company shall pay to the commissioners of the treasury of this State, agreeable to the instalment law, two hundred and ninety pounds eighteen shillings and one penny halfpenny, with interest from the first day of March, one thousand seven hundred eighty-eight, being a moiety of the purchase money of the said land. A. D. 1789.

One half of the price of said land to be paid to the State.

III. And whereas, by the Act for incorporating the said company, they were entitled to all the lands within two miles of the said river, from Camden ferry to the North Carolina line, which were then not granted to any person or reserved for the Catawba Indians, provided the said company should cause the said lands to be surveyed within three years from the passing of the said Act: which proviso subjects the said company to many inconveniences and difficulties in obtaining the said lands: *Be it therefore enacted*, that all the lands within two miles of the said rivers so to be made navigable, from Camden ferry to the North Carolina line, which were not granted before the twenty-seventh day of March, one thousand seven hundred and eighty-seven, to any person or persons, or reserved for the Catawba Indians, shall be vested in the said company and their successors, forever; any law to the contrary notwithstanding. Provided nevertheless, that any person who, between the twenty-seventh day of September, one thousand seven hundred and eighty-six, and the twenty-seventh day of March, one thousand seven hundred and eighty-seven, made an actual and bona fide survey (on a warrant duly issued) of lands within two miles of the said rivers, shall be entitled to a grant for the land so surveyed, within six months next after the passing this Act, (but at no time afterwards,) if the persons who have caused such surveys to be made shall, after notice to the president of the said company of an intended application for a grant, show, to the satisfaction of the Governor and Council or commissioner of caveats in the district where the land lies, that such surveys have been actually and bona fide made as aforesaid. Certain lands vested in said company.

Proviso.

In the Senate House, the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO EMPOWER THE VESTRY AND CHURCHWARDENS OF THE EPISCOPAL CHURCH OF CLAREMONT, IN THE PARISH OF ST. MARK, TO SELL AND DISPOSE OF A CERTAIN TRACT OF ONE HUNDRED AND FIFTY ACRES OF LAND, SITUATE IN ST. MARK'S PARISH AFORESAID, AND FOR PURCHASING A MORE CONVENIENT PIECE OF LAND, AS A GLEBE, FOR THE USE OF THE MINISTER OF THE SAID CHURCH OF CLAREMONT. No. 1438.

WHEREAS, Richard Richardson, late of the said parish, Esquire, deceased, did, by lease and release, dated in April, which was in the year of our Lord one thousand seven hundred and sixty-four, convey unto the vestry and churchwardens and rector of the said parish of St. Mark's, a certain tract of one hundred and fifty acres of land, as a glebe, for the minister of the said parish, which, from its remote situation, is found by no means

Preamble.

A. D. 1789.

Vestry and
churchwardens
empowered to
sell glebe land.

to answer the good intentions of the donor; and whereas, the vestry and churchwardens and others, members of the Episcopal church of Claremont, in the said parish of Saint Mark's, did, by their petition to the General Assembly now sitting, set forth that the said tract of land had for a considerable length of time lain useless, and was likely to remain so, from its remote situation in the said parish, which was thinly inhabited by members of the Episcopal church, and thereby praying that a law might be passed to empower them to sell and dispose of the said tract of land, in order that they might be enabled to purchase a more convenient glebe, for the use of the minister of the said church:

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful to and for the vestry and churchwardens of the said Episcopal church of Claremont, in St. Mark's parish aforesaid, or a majority of them, to sell, alien, demise, release and convey, in fee simple or otherwise, to such person or persons as may choose to become purchasers of the same, or any part thereof, all that plantation or tract of one hundred and fifty acres of land, situate in St. Mark's parish, and so as aforesaid conveyed by the said Richard Richardson, deceased, unto the vestry and churchwardens and minister of the said parish, as a glebe, and upon sale thereof, or any part thereof, to invest and appropriate the monies arising therefrom in such way and manner and to such use and uses, for the benefit of the said Episcopal church as the said vestry and churchwardens, or a majority of them, shall think fit and proper.

In the Senate House, the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1439. AN ACT to incorporate the Vestry and Churchwardens of the Episcopal Church of the Parish of St. George's, Dorchester, and for vesting in them and their successors in office the several donations and other charitable funds belonging to the Parish; and for other purposes therein mentioned.

(Passed March 7, 1789. See last volume.)

No. 1440. AN ACT for incorporating the Society for the relief of elderly and disabled Ministers, and of the Widows and Orphans of the Clergy of the Independent or Congregational Church, in the State of South Carolina.

(Passed March 7, 1789. See last volume.)

A. D. 1789.

AN ACT TO ENABLE MARY CUMMING TO SELL AND CONVEY CERTAIN LANDS IN THE DISTRICTS OF CHARLESTON AND BEAUFORT. No. 1441.

WHEREAS, Mary Cumming, by her petition to the Legislature of this State, hath represented that her father, at the time of his death, was seized in fee of a lot of land in the city of Charleston, and also of a tract of land situate in Beaufort district, near to the town of Beaufort, and, being so seized, died intestate, leaving no other issue than the said Mary and her two sisters, whereby one third part of the said lands descended to her; and that to provide for her support and that of her child she had agreed to join her sisters in, and had contracted for, the sale of the said lands, but that the legality of her title had been disputed in consequence of her marriage with Andrew Cumming: And whereas, the said Mary Cumming hath also set forth that her said husband is a British subject, that he quitted this State with the troops of his Britannic Majesty, and if alive, is still abroad, and furthermore that he has not afforded any comfort or maintenance to her or her said child since the evacuation of this city by the British troops; wherefore she prayed that she may be authorized and empowered by Act of the Legislature to sell and convey all and singular the said lands to which she is entitled as aforesaid;

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful to and for the said Mary Cumming to sell and dispose of her part or share of the said lands, and to make and execute good and sufficient conveyances to the same, and to give acquittances and discharges for the purchase money, in the same manner, to all intents and purposes, as if she were sole; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Mary Cumming
empowered to
sell land.

In the Senate House, the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT to authorize the Commissioners for continuing East Bay street to Ashley river, to make a new assessment for completing the same; and to repeal the twenty-eighth clause of an Act of the General Assembly, passed the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-five, entitled "An Act for keeping in repair the several High Roads and Bridges throughout this State;" and an Act of the General Assembly passed the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-seven, entitled "An Act to authorize the Commissioners for continuing East Bay street to Ashley river, and to make a new assessment for completing the same." No. 1442.

(Passed March 7, 1789. See last volume.

A. D. 1779.

No. 1443. AN ACT FOR VESTING IN DANIEL COMBER, HIS HEIRS AND ASSIGNS, SUCH PARTS OF THE ESTATE, REAL AND PERSONAL, OF THOMAS FLETCHALL, AS HAVE NOT YET BEEN SOLD BY THE COMMISSIONERS OF CONFISCATED ESTATES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble. WHEREAS, sundry claims have arisen against the estate of the said Thomas Fletcher, which are yet unsettled, and there being some part of the estate of the said Thomas Fletcher, yet undisposed of by the commissioners of confiscated estates, and also several debts due to the said Thomas Fletcher, sufficient in the whole to answer all demands against the said Thomas Fletcher. In order, therefore, to invest in some proper person the residue and remainder of the estate of the said Thomas Fletcher, (not yet sold or disposed of by the commissioners of confiscated estates as aforesaid, to enable him to discharge the claims against the said Thomas Fletcher;

Estate of T. Fletcher vested in Daniel Comber on certain conditions. I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same. That from and immediately after the passing of this Act, all the estate, real and personal, of the said Thomas Fletcher, not yet sold or disposed of by the said commissioners, shall be, and is hereby, vested in Daniel Comber, his heirs and assigns, forever. Provided, nevertheless, and upon condition, that the said Daniel Comber shall, within three months after the passing of this Act, give bond with good and sufficient security to Thomas Jenkins and others, the heirs of Richard Jenkins, deceased, to indemnify them against the penalty of a bond for two thousand pounds sterling, which the said Richard Jenkins signed in his lifetime, as security for the said Thomas Fletcher, that he, the said Thomas Fletcher, should well and truly administer the estate of Edward Flintham, deceased; and that the said bond to indemnify the said Thomas Jenkins and others, shall be approved of by two or more justices in the county of Chester.

Said Comber not given security, &c.

II. *And be it further enacted* by the authority aforesaid, That if the said Daniel Comber shall neglect or refuse, within the time limited by this Act, to give the security abovementioned, then such parts of the estate, both real and personal, of the said Thomas Fletcher, as have not yet been disposed of by the said commissioners, shall be, and the same is hereby, vested in the said Thomas Jenkins, in trust, that he shall sell at public sale, after twenty-one days notice, on a credit of twelve months, and convey in fee simple, so much of the said residue of the estate of the said Thomas Fletcher, as shall indemnify the said Thomas Jenkins and others, the heirs or representatives of the said Richard Jenkins, for all losses occasioned by the said Thomas Fletcher not having duly administered the estate of the said Edward Flintham, and pay and deliver over the balance, if any there be, to the said Daniel Comber; and the said Thomas Jenkins shall have full power and authority, by virtue of this Act, to sue for and recover all and singular the residue of the said estate of the said Thomas Fletcher, notwithstanding all suit of the friends of any person or persons who may be a party or parties of the same; and the said Daniel Comber and his

heirs, shall be thenceforth forever barred from any claim upon the said estate by virtue of this Act. A.D. 1789.

In the Senate House, the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT to remedy the defects of the Courts of Ordinary in the several districts where there are no county courts, as to matters and cases in which the Ordinaries of those districts may be respectively interested. No. 1444.

(Passed March 7, 1789. *See last volume.*)

AN ACT TO CONFIRM THE SALE OF A CERTAIN TRACT OF LAND THEREIN MENTIONED. No. 1445.

WHEREAS, Samuel Legare and Benjamin Legare, by their petition setting forth, among other things, that a certain tract of four hundred acres of land in St. Peter's parish, bounding on Savannah back river, late the property of Colin Campbell, deceased, had been sold at public sale by the sheriff of Beaufort district, under a judgment and execution obtained at their suit against the estate of the said Colin Campbell, deceased, a person named in the Act entitled "An Act for disposing of certain estates and banishing certain persons therein mentioned," and praying that the sale thereof may be confirmed. And whereas, it is but just and reasonable, under the circumstances set forth in the said petition, that the sale of the said land should be confirmed to the purchaser thereof;

Preamble.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sale of the said tract of land made by the sheriff as aforesaid, be, and the same is hereby, ratified and confirmed; and the estate, right, title, and interest therein, is hereby vested in the purchaser thereof, his heirs and assigns forever; any thing in the said recited Act to the contrary thereof in any wise notwithstanding.

Sale of land by sheriff ratified and confirmed.

In the Senate House, the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1789.

No. 1446. AN ACT for incorporating the Claremont Society at Statesburgh, in St. Mark's parish.

(Passed March 7, 1789. See last volume.)

No. 1447. AN ACT to revive and continue the Authority, Acts, and Judicial Proceedings of the Court of Common Pleas, to be held in Charleston; and for other purposes therein mentioned.

(Passed March 7, 1789. See last volume.)

No. 1448. AN ACT FOR THE REMOVAL OF THE PUBLIC RECORDS OUT OF CHARLESTON, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble. WHEREAS, by an Act passed on the twenty-second day of March, one thousand seven hundred and eighty-six, the town of Columbia was fixed on for the future seat of government and deposite of public records; and whereas, it is essential to the general interests of the State that the same be carried into effect, and that the public records should be removed thereto;

Public records to be removed to Columbia. I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That on the first day of December, one thousand seven hundred and eighty-nine, all the public records, except such as relate to the property within the districts of Charleston, Georgetown, and Beaufort, shall be removed to Columbia. Provided, the commissioners shall certify to the Governor or Commander-in-chief for the time being, that the public buildings mentioned in the said Act are erected as therein directed. And his Excellency the Governor is hereby authorized and empowered to nominate and appoint three commissioners to separate and set apart the records hereby required to be retained.

Proviso.

Records to be removed as is directed in the first clause. II. *And be it further enacted* by the authority aforesaid, That all such State papers, necessary at the meeting of the Legislature, as shall be directed by the Governor and Council to be repaired, and such records as shall be separated or copied at the time of the removal of the seat of Government to Columbia, shall be removed thereto as is directed in the first clause of this Act; and that nothing contained in this Act shall be construed to extend to remove any of the old records from Charleston, which relate to the districts of Charleston, Georgetown, and Beaufort.

III. *And be it further enacted* by the authority aforesaid, That his Excellency the Governor or the Commander-in-chief for the time being, be

authorized and empowered to draw on the Treasury for paying the expenses to be incurred in consequence of the removal of the said records. A. D. 1789.

In the Senate House, the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

**AN ORDINANCE TO REMOVE THE OBSTRUCTIONS TO THE PASSAGE OF No. 1449.
FISH UP LITTLE RIVER AND LONG CANE CREEK, IN NINETY-SIX DISTRICT.**

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Patrick Calhoun, John Delahowe, and Peter Gibert, Esquires, be, and they are hereby, authorized and empowered as commissioners to carry this Ordinance into effect. Commissioners appointed.

II. *And be it further ordained* by the authority aforesaid, That the said Patrick Calhoun, John Delahowe, and Peter Gibert, Esquires, or any two of them, shall immediately repair to and view all the mill-dams and fish-dams which have been or may hereafter be erected across Little river, from its entrance into Savannah river, up to John Stedman's mill, and across Long Cane Creek, from its confluence with Little river up to Andrew Ross's mill; and to require the proprietors of each and every fish-dam to open a passage eight feet wide, sufficient to let the fish pass up through the said fish-dams, within three days after such notification. Commissioners to examine mill-dams and fish-dams.

III. *And be it further ordained* by the authority aforesaid, That if any person or persons, having erected any mill-dam or mill-dams, fish-dam or fish-dams, across Little river, below John Stedman's mill, or across Long Cane Creek, below Andrew Ross's mill, on their being notified thereof as aforesaid, and shall refuse or neglect to open a passage, or provide a slope, sufficient for the passage of fish as above directed, or any person or persons who shall hereafter erect any mill-dam or fish-dam across the said river or creek, below Stedman's or Ross's mills as aforesaid, without providing and keeping open a sufficient slope or passage for fish, shall forfeit and pay to any person who shall inform and sue for the same, the full sum of twenty shillings for every day such obstructions shall continue after the days above mentioned for opening those respectively which have been heretofore erected, as well as those that may hereafter be erected, one moiety to the informer, and the other to the use of the county. Provided nevertheless, that the power of the aforesaid commissioners shall not be construed to extend to require a slope or passage to any mill-dams which do not entirely cross Little river or Long Cane Creek. Penalty on persons refusing to open a passage in their dams.

In the Senate House, the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1789.

No. 1450. AN ACT for incorporating the Presbyterian Congregation in the town of Purysburgh, in St. Peter's parish, in the State of South Carolina.

(Passed March 7, 1789. See last volume.)

No. 1451. AN ACT TO PREVENT SUITS FOR RECOVERY OF REAL ESTATES BEING BARRED BY THE ACT OF LIMITATIONS, UNTIL MARCH 26, 1790.

Preamble.

WHEREAS, all persons (except infants, femmes covert, and persons imprisoned or out of the limits of this State,) who on the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, had any right or title to lands or real estate, and have not since that time made claim, or on or before the twenty-sixth day of March next shall not make claim, to the said lands or real estate, by action at law, agreeable to the directions of an Act commonly called the Limitation Act, passed the twelfth day of December, in the year of our Lord one thousand seven hundred and twelve, will, by virtue of that Act, and of an Ordinance entitled "An Ordinance to fix a period for the commencement of the operation of the Act of Limitations," passed the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, be barred to recover the said lands and real estate against any person who, on the said twenty-sixth day of March next, shall have been quietly possessed of and without lawful interruption enjoyed the said lands or real estate for five years next before that time; and whereas, by reason that the period when suits for recovery of land will be barred as aforesaid, is so near, many ejectments have been lately brought, and it is probable that many more will be immediately brought, by persons claiming title to lands or real estate, against those who have settled on, or possess the same, whereby considerable expense and distress will be occasioned to divers of the poorer citizens, who, if the period at which claimants will be barred by or for want of prosecution were extended for a short time, might avoid such expense and distress by reasonable and amicable accommodation and settlement;

Time persons
will be barred
from recover-
ing estates.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That no person who, on the twenty-sixth day of March next, would be barred by or for want of prosecution, from recovery of any lands or real estates, shall be barred on that day; but that every such person shall be barred on the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and ninety.

In the Senate House, the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1789.

AN ACT TO ENTITLE THE COUNTIES OF GREENVILLE AND PENDLETON No. 1452.
TO A REPRESENTATION IN THE GENERAL ASSEMBLY OF THIS STATE.

WHEREAS, since the establishment of Independence and the Constitution of this State, a large tract of country formerly in possession of the Cherokee nation of Indians, has been ceded to this State, and settled by a number of citizens who are not by said Constitution included in any of the election districts, and have no representatives in the Legislature; for remedy whereof, Preamble.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That until altered by law, or by any constitution to be hereafter agreed to by a convention of the people of this State, elected and chosen for the purpose of amending or altering the constitution, all that tract of country known by the name of the county of Greenville shall be entitled to a representation of one member in the Senate and three members in the House of Representatives; and that tract of country known by the name of Pendleton county, above the old Indian boundary, lying between Savannah and Saludy rivers, including the forks of Toogaloo and Keowee rivers, shall be entitled in like manner to a representation of one member in the Senate, and three members in the House of Representatives. Representation of Greenville and Pendleton.

II. *And be it further enacted* by the authority aforesaid, That the elections for the said counties of Greenville and Pendleton, shall be held on the first Monday and Tuesday in May next, at the respective court-houses in the said counties of Greenville and Pendleton, and at all times thereafter at the general election, and the said elections shall be conducted according to the rules prescribed by the constitution and laws of this State. And that Robert Maxwell and James Harrison shall be commissioners to manage the election in Greenville county, and John Miller and William Steele shall be commissioners to manage the election for Pendleton county. Time of holding election.

In the Senate House, the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE AUDITOR GENERAL TO RECEIVE AND AUDIT No. 1453.
THE CLAIMS AND DEMANDS OF SUCH PERSONS AS HAVE DELIVERED IN
THEIR ACCOUNTS AGAINST THE STATE, AND WHICH HAVE BEEN LOST OR
MISLAID.

WHEREAS, many persons have brought in accounts against the State which have been lost or mislaid; Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the

A. D. 1789.

Persons having
lost accounts
to render
them, on oath.

authority of the same, That it shall and may be lawful for all and every person or persons having demands against this State, who shall make oath or give such proofs as shall be satisfactory to the auditor, that their accounts, claims, or demands, were returned to the auditor general, or to the commissioners appointed to receive the accounts in the different districts, on or before the eleventh day of March, in the year of our Lord one thousand seven hundred and eighty-six, and cannot be found, to deliver the same to the auditor at any time within twelve months from and after the passing of this Act. And the said auditor is hereby ordered to receive and audit the same, and to lay such accounts before the Legislature at their next meeting, after such accounts have been audited; any law or usage to the contrary notwithstanding.

In the Senate House, the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1454. AN ACT to establish a County and County Courts between Savannah and Saludy rivers, above the old Indian boundary.

(Passed March 7, 1789. See last volume.)

No. 1455. AN ACT DIRECTING THE MANNER OF GRANTING PROBATES OF WILLS AND LETTERS OF ADMINISTRATION; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Justices of
county courts
may grant let-
ters of adminis-
tration, &c.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in the several counties throughout this State, where county courts are established, the justices thereof shall have and exercise the same power and authorities in taking the probate of wills and granting letters of administration, which have been heretofore used and exercised by the judges of the courts of ordinary of this State; and also such further powers and authorities as are hereinafter particularly mentioned; and in those counties where there are no county courts established, the judges of the courts of ordinary in the several districts of this State shall have and exercise their usual powers and authorities, and also such as are herein given to the justices of the county courts.

Persons dis-
posing of prop-
erty by will,
to be sworn
witnesses.

II. *And be it further enacted* by the authority aforesaid, That any person having right or title to any lands, tenements, or hereditaments whatsoever, (feme covert, persons of unsound mind, and infants, excepted,) may dispose thereof by will in writing, to be signed by the person devising the same, or some other person in his presence and by his express direction, and attested and subscribed by three credible witnesses, in the presence of the said devisor.

III. *And be it further enacted* by the authority aforesaid, That no devise in writing of any lands, tenements, or hereditaments, or any clause thereof, shall be revocable but by some other will or codicil in writing, or other writing declaring the same, attested and subscribed by three witnesses as aforesaid, or by destroying or obliterating the same by the testator himself, or some other person in his presence and by his directions and consent. A. D. 1789.

Devises to be
revoked in
writing.

IV. *And be it further enacted* by the authority aforesaid, That no nuncupative will shall be good where the estate thereby bequeathed shall exceed the value of ten pounds sterling, that is not proved by the oaths of three witnesses at the least, who were present at the making thereof, and bid by the testator to bear witness that such was his will, or words to that effect; nor unless such will was made in the last sickness of the deceased, in the house or place where he or she shall die. Nuncupative
wills exceed-
ing £10, to be
proved by three
witnesses.

V. *And be it further enacted* by the authority aforesaid, That no testimony shall be admitted to prove any nuncupative will if six months shall have elapsed after speaking the pretended testamentary words, except such testimony or the substance thereof were committed to writing within six days after the making of the said will, and then twelve months shall be allowed, and no more, for the probate of such will; but the same shall not at any time be received to be proved, unless process shall have first issued to call in the widow or next of kindred to the deceased, to the end they may contest the same, if they please. Time of prov-
ing.

VI. *And be it further enacted* by the authority aforesaid, That no will in writing concerning any goods or chattels, shall be repealed, nor any clause, devise, or bequest therein, be altered or changed, by any words or will by word of mouth only, except the same be in the life of the testator committed to writing, and afterwards read to and allowed by him, and proved to be so done by three witnesses at the least. Provided that any soldier in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate in like manner as before the making of this Act. Will of goods,
&c. to be re-
pealed in writ-
ing.

Proviso.

VII. *And be it further enacted* by the authority aforesaid, That if any will in writing shall contain devises of real estate, and also legacies of goods and chattels, and such will cannot be proved so as to pass the real estate, the same shall not for that cause be void as to the bequests of the goods and chattels. Wills valid for
personal be-
quests, though
not for real es-
tate.

VIII. *And be it further enacted* by the authority aforesaid, That if no provision shall be made by the will of the testator for any child or children that may be born after his death, such child or children shall be entitled to an equal share of all real and personal estates given to the other child or children, who shall contribute to make up such share or shares according to their respective interests or portions deriving to them under such will. Children born
after the death
of the testator
to receive an
equal share.

IX. *And be it further enacted* by the authority aforesaid, That if any child should die in the lifetime of the father or mother, leaving issue, any legacy given in the last will of such father or mother shall go to such issue, unless such deceased child was equally portioned with the other children, by the father or mother, when living. Child dying in
the lifetime of
its father and
mother.

X. *And be it further enacted* by the authority aforesaid, That if any person making a will, shall afterwards marry and die, leaving issue, it shall be deemed and taken to be a revocation of such will, to all intents and purposes whatsoever. Marrying and
leaving issue
after making a
will.

XI. *And be it further enacted* by the authority aforesaid, That when any person shall make a will in writing without appointing any executor or executors therein, or such executor or executors shall refuse to qualify, ify. Executors re-
fusing to qual-
ify.

A. D. 1799.

the court where such will shall be proved shall grant letters of administration with the will annexed, to such person or persons as would have been entitled thereto if the deceased had died intestate; and if any person shall die intestate, the court of the county, or the ordinary of the district where there are no county courts, where the will of such person, had he or she left one, would have been proved, shall grant letters of administration to them who shall be entitled thereto.

Wills to be proved in the court of the county where testator resides or dies.

XII. *And be it further enacted* by the authority aforesaid, That if the testator shall have a mansion house, or known place of residence, his or her will shall be proved in the court of the county, or before the ordinary of the district, in case there are no county courts, where such house is or place of residence was; but if the testator had no such place of residence, and lands are devised in the will, it shall be proved in the court of the county, or before the ordinary, as the case may be, where the lands lie, or in one of them, where there are lands in several counties; and if the testator had no such place of residence, and there are no lands devised, then the will shall be proved either in the county where such testator died, or where the whole or greatest part of his or her estate shall be.

Manner of proceeding on application for administration.

XIII. *And be it further enacted* by the authority aforesaid, That when any will shall be proved, or application is made for administration of the estate, of any person dying intestate, the court shall direct executors or administrators to make out an exact inventory of the personal estate of the deceased, and shall appoint three or more reputable freeholders, who shall appraise the same on oath, which inventory and appraisement shall be returned to the next court to be held in the county, or to the ordinary of the district in cases where there are no county courts, within such time as the ordinary shall limit; and if the goods lie in several counties, the court having jurisdiction shall order appraisement and appoint appraisers in each, which, when made, shall be transmitted by the appraisers to the court where the will was recorded or administration granted; and every appraisement made as aforesaid may be given in evidence in any action against such executors or administrators, to prove the value of the estate, but shall not be conclusive if it shall appear on a trial of the cause that the estate was really worth, or bona fide sold for, more or less than such appraisement.

Fee of appraisers.

XIV. *And be it further enacted* by the authority aforesaid, That the appraisers shall be allowed four shillings and eight pence each by the day, whilst employed in appraising any estate, to be paid by the executors or administrators, which expense shall be allowed them in the settlement of their accounts.

Executor dying intestate.

XV. *And be it further enacted* by the authority aforesaid, That when any executor or administrator shall die intestate, not having fully administered, the same court by whom the former probate or administration was obtained, shall determine the right and grant letters of administration of the estate so unadministered.

Person dying intestate, and executors refusing to qualify, who shall then be entitled to administer.

XVI. *And be it further enacted* by the authority aforesaid, That in case any person die intestate, or the executors named in any will refuse to qualify, then the justices of the county court or ordinary of the district, as the case may be, having the right, shall grant administration of the goods of the testator or person deceased, to his or her relations, in the order following, in exclusion of all other persons, to wit: first, to the husband or wife of the deceased, and if there are none such, or they do not apply, then to the child or children, or their legal representatives; if none such apply, then to the father or mother; in default of them, to the brothers or sisters; in default of them, to such of the next of kindred of the deceased,

at the discretion of the justices of the county court or ordinary, as the case may be, as shall be entitled to a distributive share of the intestate's estate; and in default of such, to the greatest creditor or creditors, or such other person as the court shall appoint. Provided always, that if any widow, after having obtained letters of administration as aforesaid, shall marry again, it shall be at the election of the justices of the county court or ordinary, as the case may be, to revoke the administration before granted, or join one or more of the next of kin in the administration with her.

XVII. *And be it further enacted* by the authority aforesaid, That if any person having in possession the will of a deceased person, shall neglect to produce the same to be proved, process as for a contempt shall issue from the court where such will ought to be proved, and the person shall be fined and imprisoned until the will shall be delivered up. Penalty on persons refusing to produce the will.

XVIII. *And be it further enacted* by the authority aforesaid, That the clerk of the court before whom the will shall be proved, or administration granted, on the application of the executors or administrators shall give to them a true copy of the order of such court respecting such probate or administration, certified under his hand, which shall be sufficient to entitle them to maintain actions for the recovery of possession of the estate therein mentioned. Clerk to furnish a true copy of the order of court.

XIX. *And be it enacted* by the authority aforesaid, That when it shall be requisite to make sale of any part of the personal estate of testator or intestate, either for a division, payment of debts, or to prevent the loss of perishable articles, application shall be made to the court of the county or ordinary, as the case may be, where the will was recorded or administration granted, whereupon such court may refuse or grant such order for sale, regulating the time, place, and credit, to be given in such manner as to do impartial justice to all persons interested therein; and if any executor, or administrator with the will annexed, having power under the will to dispose of the estate or any part thereof, shall take such security as shall be clearly proved to be insufficient at the time, such executors or administrators, and their securities, shall be liable to make good any loss or damages that the legatees or creditors may sustain, to be recovered by action on the case against such executors, or by action of debt on the bond of such administrators and their security, wherein such damages shall be assessed by the verdict of a jury. Court to order the sale of property.

XX. *And be it enacted* by the authority aforesaid, That every executor, or administrator with the will annexed, at the time of proving the will or the granting of administration, shall take the following oath: "I do solemnly swear that this writing contains the true last will of the within named A B, deceased, so far as I know or believe, and that I will well and truly execute the same, by paying first the debts and then the legacies contained in the said will, as far as his goods and chattels will thereunto extend, and the law charge me, and that I will make a true and perfect inventory of all such goods and chattels. So help me God." And the administrator with the will annexed shall enter into bond with good and sufficient security, to be approved by the court, in a sum equal to the value of the estate at least, the condition of which bond shall be in the form following, to wit: "The condition of this obligation is such, that if the above bound C D, administrator (with the will annexed) of the goods, chattels, and credits of E F, deceased, do make or cause to be made, a true and perfect inventory of all and singular the goods, chattels, and credits of the said deceased, which have or shall come to the hands or possession or knowledge of the said C D, or into the hands or possession of any other persons for him, and the same so made do exhibit into the said court of Oath of executor and administrator.

Form of the bond.

A D. 1789.

A. D. 1789.

—, at such time as he shall be thereunto required by the said court, and the same goods, chattels, and credits, do well and truly administer according to law, and make a just and true account of his actings and doings therein, when lawfully required: and further, do well and truly pay and deliver all the legacies contained and specified in the said will, as far as the said goods, chattels, and credits will extend, and the law require—then this obligation to be void, or else to remain in full force.” Which bond shall be made payable to the justices of the county court and their successors, and recorded in the clerk’s office, or to the ordinary of the district, as the case may be, and may be sued from time to time, by any person injured by the breach thereof, until the whole penalty be recovered, and the damages sustained being assessed on such suit by the verdict of a jury, may be levied by execution, and paid to the party for whom they were assessed.

Oath of administrator to be taken in open court.

Form of the bond.

XXI. *And be it further enacted* by the authority aforesaid, That every administrator shall, in open court, when letters of administration are granted him, take the following oath or affirmation, as the case may be, to wit: “I do solemnly swear or affirm, that A B, deceased, died without any will, as far as I know or believe, and that I will well and truly administer all and singular the goods and chattels, rights and credits, of the said deceased, and pay all his just debts, as far as the same will extend, and the law require me, and that I will make a true and perfect inventory of all the said goods and chattels, rights and credits, and return a just account thereof when thereunto required. So help me God.” And such administrator shall also enter into bond with good security, to be approved by the court, in a sum equal to the full value of the estate, with the condition following: “The condition of the above obligation is such, that if the above bound A B, administrator of the goods, chattels and credits of C D, deceased, do make a true and perfect inventory of all and singular the goods, chattels, and credits of the said deceased, which have or shall come to the hands, possession or knowledge of the said A B, or into the hands or possession of any other person or persons for him, and the same so made do exhibit into the said court of —, when he shall be thereto required, and such goods, chattels, and credits do well and truly administer according to law, and do make a just and true account of his actings and doings therein when required by the said court, and all the rest of the said goods, chattels, and credits which shall be found remaining upon the account of the said administration, the same being first allowed by the said court, shall deliver and pay unto such persons respectively as are entitled to the same by law; and if it shall hereafter appear that any last will and testament was made by the said deceased, and the same be proved in court, and the executors obtain a certificate of the probate thereof, and the said A B do, in such case, if required, render and deliver up the said letters of administration—then this obligation to be void, or else to remain in full force.” Which bond shall be made payable to the justices of the county court, and their successors, and recorded in the clerk’s office, or to the ordinary of the district, as the case may be, and may be sued in like manner as is prescribed in the preceding clause of this Act in the case of bonds given by administrators with the will annexed; and if the justices of the county court who were present at the time of granting letters of administration, or the ordinary of the district, as the case may be, shall fail to take bond and security as aforesaid, such justices or ordinary, as the case may be, shall be liable to be sued for all damages arising from such neglect, by any person or persons interested in the estate.

XXII. *And be it further enacted* by the authority aforesaid, That the

clerk of every county court, or ordinary of the several districts, as the case may be, shall, once in every year, in the months of January or February, return into the secretary's office of the State a list of all probates and administrations granted in their respective courts within the preceding year, which shall express the date of the certificate of probate or letter of administration, name of the testator or intestate, names of the executors or administrators, and their securities, and penalty of their bond; which lists shall be carefully filed, those of each county and district separate from the rest, in the said secretary's office.

A. D. 1789.

Clerk to make
a return of ad-
ministrations
granted.

XXIII. *And be it further enacted* by the authority aforesaid, That if any person shall die after the first day of March, in any year, the slaves of which he or she was possessed, whether held for life or absolutely, and who were employed in making a crop, shall be continued on the lands which were in the occupation of the deceased, until the crop is finished, and then be delivered to those who have the right to them; and such crop shall be assets in the executors or administrators hands, subject to debts, legacies, and distribution, the taxes, overseer's wages, expenses of physic, food and clothing, being first paid; and the emblements of the lands, which shall be severed before the last day of December following, shall in like manner be assets in the hands of the executors or administrators, but all such emblements growing on the lands on that day, or at the time of the testator or intestate's death, if that happens after the said last day of December and before the first day of March, shall pass with the lands. And if any person shall rent or hire lands or slaves of a tenant for life, and such tenant for life dies, the person hiring such land or slaves shall not be dispossessed until the crop of that year is finished, he or she securing the payment of the rent or hire when due.

Slaves and
crops.

XXIV. *And be it further enacted* by the authority aforesaid, That if the securities for administrators conceive themselves in danger of being injured by such suretyship, they may petition the court to whom they stand bound, for relief, which court shall summon the administrator to appear, and thereupon make such order or decree as shall be sufficient to give relief to the petitioner.

Securities may
petition for re-
lief.

XXV. *And be it further enacted* by the authority aforesaid, That if any person shall, by will, appoint his debtor to be his executor, such appointment shall not, in law or equity, be construed to be a release or extinguishment of the debt, unless the testator shall in his will expressly declare his intention to release the same.

Debtor may be
executor.

XXVI. *And be it further enacted* by the authority aforesaid, That the debts due by any testator or intestate, shall be paid by executors or administrators in the order following, viz. funeral and other expenses of the last sickness, charges of probate of will or of the letters of administration; next, debts due to the public; next, judgments, mortgages, and executions, the oldest first; next, rent; then bonds or other obligations; and lastly, debts due on open accounts; but no preference whatever shall be given to creditors in equal degree, where there is a deficiency of assets, except in the cases of judgments, mortgages that shall be recorded from the time of recording, and executions lodged in the sheriff's office, the oldest of which shall be first paid, or in those cases where a creditor may have a lien on any particular part of the estate.

Order in which
debts are to be
paid.

XXVII. *And be it further enacted* by the authority aforesaid, That every executor or administrator shall give three weeks notice by advertisement in the State Gazette, or at three different places of the most public resort in the parish or county, for creditors to render an account of their demands, and they shall be allowed twelve months to ascertain the debts due to and

Executors to
give public no-
tice to creditors

A. D. 1799.

from the deceased, to be computed from the probate of the will or granting letters of administration: and creditors neglecting to give in a state of their debts within the time aforesaid, the executors or administrators shall not be liable to make good the same: nor shall any action be commenced against any executor or administrator for the recovery of the debts due by the testator or intestate, until nine months after such testator or intestate's death.

Executors to render in their accounts on oath.

XXVIII. *And be it further enacted* by the authority aforesaid, That executors or administrators shall annually, whilst the estate shall remain in their care or custody, at the first court to be held after the first day of January, render to the court of the county or the ordinary of the district, as the case may be, from whom they obtained probate of will or letters of administration, a just and true account upon oath, of the receipts and expenditures of such estate the preceding year, which, when examined and approved, shall be deposited with the inventory and appraisement, or other papers belonging to such estate, in the clerk or ordinary's office, as the case may be, there to be kept for the inspection of such persons as may be interested in the said estate: and if any executor or administrator shall neglect to render such annual accounts, he shall not be entitled to any commissions for his trouble in the management of the said estate, and shall moreover be liable to be sued for damages by any person or persons interested in such estate.

Commissions to be returned by the executor.

XXIX. *And be it further enacted* by the authority aforesaid, That all and every executor or administrator shall, for his, her, or their care, trouble, and attendance in the execution of their several duties, take, receive, or retain in his, her, or their hands, a sum not exceeding the sum of fifty shillings for every hundred pounds which he, she, or they shall receive, and the sum of fifty shillings for every hundred pounds which he, she, or they shall pay away, in credits, debts, legacies, or otherwise, during the course and continuance of their or either of their managements or administrations, and so in proportion for any sum or sums less than one hundred pounds. Provided, that no executor or administrator shall, for his, her or their trouble in letting out any moneys upon interest, and again receiving the same, be entitled to take or retain any sum exceeding twenty shillings for every ten pounds for all sums arising by moneys let out to interest, and in like proportion for a larger or lesser sum: nor shall any executors or administrators who may be creditors of any testator or intestate, or to whom any sum of money or other estate may be bequeathed, be entitled to any commissions for paying or retaining to themselves any such debts or legacies.

Commissions to be divided according to service.

XXX. *And be it further enacted* by the authority aforesaid, That the commissions given by this Act shall be divided amongst executors and administrators in proportion to the services by them respectively performed, to be rated and settled by the justices of the county court who granted probate of the will or letters of administration, or the ordinary of the district, as the case may be, if the executors or administrators cannot agree amongst themselves concerning the same.

Persons becoming executors in their own wrong, deemed trespassers.

XXXI. *And be it further enacted* by the authority aforesaid, That all and every person who, not being appointed executor or executors of the last will and testament of any person or persons deceased, or not having administration of the goods and chattels, rights and credits, of any person or persons deceased, and who shall, nevertheless, possess him or themselves of the goods and chattels, rights and credits, of any person deceased, and become executors of their own wrong, shall and they are hereby made liable as trespassers, and shall be liable to be cited by any person or persons having right or claim to the property of the deceased, or creditors, by process from the county courts, where there are county courts estab-

lished, or ordinary of the districts where there are no county courts or court of chancery, to make discovery and give account of all and singular the goods and chattels, rights and credits, of the deceased, and shall be liable to make compensation and reparation for all the goods, chattels, estate or assets they may have wasted, or may have been lost by their illegal interference, or becoming executors of their own wrong as aforesaid, and shall be chargeable as far as assets have come into their hands, and be in every other respect liable and chargeable as executors of their own wrong at common law.

A. D. 1789.

XXXII. And whereas, the executors and administrators of such persons who have possessed themselves of considerable personal estates of other deceased persons, and converted the same to their own use, have no remedy by the rules of common law, as it now stands, to pay the debts of those persons whose estate hath been so converted by their testator or intestate, which hath been found very mischievous, and many creditors defeated of their just debts, although their debtors left behind them sufficient to satisfy the same with great overplus; for remedy whereof, *Be it enacted* by the authority aforesaid, That from and immediately after the passing of this Act, all and every the executors and administrators of any person or persons who, as executor or executors in his or their own wrong, or administrators, shall waste or convert any goods, chattels, estate, or assets of any person deceased, to their own use, shall be liable and chargeable in the same manner as their testator or intestate would have been if they had been living.

Liability of
executors con-
verting prop-
erty to their own
use.

In the Senate House, this thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT FOR REGULATING THE INSPECTION AND EXPORTATION OF No. 1456.
TOBACCO; AND FOR OTHER PURPOSES HEREIN MENTIONED.

WHEREAS, it is necessary tobacco should be inspected before the same is sent to foreign markets, as well to prevent fraud between the buyer and seller, as to prevent that article (the growth of this State) from being brought into disrepute abroad; Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That proper warehouses shall be erected in the country by the commissioners hereinafter to be appointed, where all tobacco, previous to its being exported or exposed to sale, shall be brought for inspection, and after passed, be deposited till called for, for exportation; which warehouses shall be established at the following places, that is to say: one or more warehouses, (not exceeding two, at the discretion of the commissioners,) in or near Charleston, in such place as they shall appoint; one warehouse or warehouses at Georgetown; one warehouse or warehouses at Cheraw Hill; and another warehouse or warehouses on the northeast side of Pedee river, at the landing place on the plantation of

Tobacco ware-
houses to be
erected.

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Morgan Brown, Esq. being the place already agreed on by the commissioners; one warehouse or warehouses at or near Friday's Ferry, on each side the Congaree river; one warehouse or warehouses at Falmouth, on the land of Colonel Hammond; one or more warehouse or warehouses at Adams's Ferry, opposite Augusta, on the lands of General Pickens; one warehouse or warehouses at Spring Hill, on Savannah river, at the plantation of McCartan Campbell; and one or more warehouse or warehouses at or near the Era iron works, on the Catawba river. And where the proprietors of the lands at the above places shall refuse or neglect to erect such necessary buildings as the commissioners hereinafter respectively appointed, or a majority of them, shall think necessary, they, the said commissioners, are hereby directed and required to cause the said warehouse or warehouses to be built, of such size and dimensions as they may judge necessary; and to defray the expense, they are hereby empowered to take and receive from the inspector or inspectors all such storage of tobacco as may hereinafter be imposed thereon; and the said inspector or inspectors are hereby directed to pay into the hands of such commissioners all such monies as shall arise from the storage of tobacco, where the said commissioners shall have built warehouses, quarterly, that is to say, on the first day of April, July, October and January, which shall be paid, upon oath, until the expense of the said buildings is fully paid. And from thenceforward the proprietor shall be entitled to the said storage, he keeping the said warehouse or warehouses in proper repair, and keeping a number of good and sufficient prizes for heading up the tobacco after it has been stripped for examination. But where any proprietor shall neglect or refuse to keep in repair prizes or proper screws for the above purpose, it shall and may be lawful for the inspector or inspectors to have a sufficient number of prizes erected, two at least of which at each warehouse shall be for the particular use of such planters as choose to cooper their own hogsheads; to defray the expense of which it shall and may be lawful for the inspectors so providing to stop the first storage money that may come to hand, for that purpose.

Where owners
of land do not
build, commis-
sioners shall.

Inspection in
Charleston.

II. *And be it further enacted* by the authority aforesaid, That when any hogshead of tobacco or parcel shall be brought to the warehouse or warehouses in Charleston, as aforesaid, for the inspection, the inspectors to be appointed by the commissioners hereinafter mentioned, shall cause the hogshead to be stripped off, and the tobacco shall be carefully examined in as many places as the inspectors shall think necessary, not exceeding three places; and if found sound, clean and merchantable, he or they shall cause the hogshead to be put on and coopered up, in a secure and merchantable manner, weighed and marked, and securely stored in the said warehouse or warehouses, there to remain until demanded for exportation.

A close house
to be provided
for picking
tobacco.

III. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter mentioned shall provide a good and secure close house or houses, for picking away all loose or small parcels of tobacco that may be brought for inspection, and for picking tobacco therein; and the inspectors are hereby directed and required to receive all such parcels of tobacco that may be brought to them, and if found good and merchantable they shall weigh and tare the same picked up in the aforesaid house or houses, for which they shall give to the owner a note, in the same manner as is directed by this Act for the inspections in the country.

Commissioners
and pickers for
Charleston.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter mentioned are hereby authorized and empowered to appoint two inspectors for the city of Charleston, and as many pickers as they, or a majority of them, may think necessary for picking tobacco;

and after the tobacco is picked and separated from the trash, the trash shall be burned, as this Act directs.

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V. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter mentioned shall, and they are hereby required to, provide good and sufficient scales and weights, prizes or screws, 'at the aforesaid warehouses, for the use of the inspectors, and a sufficient number of hands for coopering, picking, storing and delivering all the tobacco that may be brought to the warehouse or warehouses; and on failure so to do, they, or the persons contracted with to do the same, shall forfeit and pay the sum of fifty pounds for every such neglect, to be recovered in any court of law having jurisdiction thereof within this State; one half for the use of the State, and the other half to the person or persons informing and suing for the same.

Scales, weights, &c. to be provided.

VI. *And be it further enacted* by the authority aforesaid, That the commissioners hereinafter named are hereby authorized and empowered to take and receive the sum of seven shillings for each and every hogshead of tobacco, when delivered out of their respective warehouse or warehouses for exportation, to be paid by the exporter; which money arising shall be applied by the said commissioners towards paying the inspectors' salaries and cooperage in the first place, and the surplus of the said money shall be by them applied to the purpose of erecting proper warehouses, and all necessary buildings and utensils, upon such lot or piece of ground as shall be purchased, for the permanent inspection of tobacco, in or near Charleston, until the buildings so to be erected on the ground which shall be purchased for the permanent inspection of tobacco, in or near Charleston, shall be completed.

7s. to be paid for each hhd. delivered for exportation.

VII. *And be it enacted* by the authority aforesaid, That if the commissioners, inspectors, coopers, packer or packers, shall take any other fee, gift or gratuity, from planter or merchant, than is allowed by this Act, he or they shall pay to the party aggrieved ten shillings for every shilling so taken, to be recovered before any justice of the peace in this State, with costs of suit.

Penalty for taking illegal fees.

VIII. *And be it further enacted* by the authority aforesaid, That the inspectors and pickers shall, before entering into their office, take and subscribe the same oaths or affirmation as the inspectors in the country are required to do, and shall give the same kind of notes for tobacco and manifests for shipping, and be under the same rules and regulations; and the commissioners hereinafter mentioned shall and may have and exercise, and they are hereby vested with, the same powers and authorities as the commissioners in the country; any law, usage or custom to the contrary notwithstanding.

Inspectors and pickers to take an oath.

IX. *And be it further enacted* by the authority aforesaid, That every tobacco hogshead shall be made of good, well seasoned timber, the staves not exceeding four feet two inches in length, and the outside of the head shall not exceed thirty-three diameter, and shall be branded with the initials of the name of the maker or owner of the tobacco, and when brought to any of the aforesaid inspections in the country, the inspector or inspectors shall cause the cask to be stripped off, weighed and marked, the tobacco carefully examined, broke, and samples drawn out in as many places as the inspector or inspectors think necessary, (not less than two); and if the tobacco be found good, sound, clean and merchantable, he shall cause the hogshead to be put on, coopered and headed up, in a secure and merchantable manner, at the owner's expense, for which the inspector or cooper, finding nails, shall charge the sum of one shilling and six pence, and no more. Provided nevertheless, where any person or persons choose to

Dimensions of staves. Hhd. how to be branded, &c.

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cooper their own hogsheads, they shall be at liberty so to do, and shall be allowed the immediate use of a prize or screw for that purpose, without fee or reward; and every hogshead so examined and weighed, containing not less than nine hundred and fifty pounds of nett tobacco, shall be deemed a merchantable hogshead, and a tender in all tobacco payments.

Bad tobacco to
be burnt.

X. *And be it further enacted* by the authority aforesaid, That where any hogshead or parcel of tobacco shall be brought to any of the aforesaid warehouse or warehouses for view, and on examination shall be found to be mixed with trash, dirt, unsound or unmerchantable tobacco, the inspector or inspectors shall cause the same to be picked, and the trash or bad and unmerchantable tobacco shall be publicly burnt by the inspector or inspectors, and such as is sound, clean and merchantable, the inspector or inspectors shall weigh and receive and shall give a note for the same.

A place for
packing tobacco
at each
warehouse in
the country.

XI. *And be it further enacted* by the authority aforesaid, That at each warehouse in the country there shall be places provided by the proprietor, or, on his refusal, by the commissioners, the expense of which to be deducted out of the storage of the tobacco, and a secure place for the packing away all loose and small parcels of tobacco that may be brought for inspection; and if found good, sound and clean, he shall weigh the same and have it put by in the place above described, for which he shall give a note, specifying the name of the warehouse, the quantity, and that the bearer is entitled thereto; which said small parcels, or light hogsheads of tobacco, the inspector or inspectors shall cause to be prized into hogsheads, not to contain less than nine hundred and fifty pounds nett. And on any person or persons producing small notes to the amount of nine hundred and fifty pounds, with the following allowance, as a deduction for shrinkage in weight, he, she or they, on paying the fees hereinafter expressed, shall be entitled to receive a note or certificate for a crop hogshead, as an allowance for shrinkage: on all transfer notes, brought in to be exchanged for crop hogsheads, the inspector or inspectors shall deduct, from all such as are exchanged within a month after date, two per cent., and for such as are brought in within two months after date, and above one, four per cent., and so on, till it shall amount to eight per cent., and no more. And where any of such transfer tobacco that shall have been inspected before the first day of the past August, shall be in any of the aforesaid warehouse or warehouses till the circuit court in November of the district in which the said warehouse or warehouses is situated, and no note produced for the same, that then, and at such circuit court, the inspector or inspectors shall cause the same to be sold at public sale, for cash; and the holders of notes for transfer tobacco in any of the aforesaid warehouse or warehouses, in the country or city of Charleston, after such sale, shall receive cash for the same, on producing the note to the inspector or inspectors, at the rate the same was sold for, with the deduction of ten per cent. for loss of weight and trouble of selling, receiving and paying.

Each hhd to be
marked S. C.
and tar, and
nett.

XII. *And be it further enacted* by the authority aforesaid, That the inspector or inspectors, at their several warehouse and warehouses respectively, shall receive each hog-head of tobacco so examined, passed, weighed and coopered, into their respective warehouse or warehouses, and shall number and brand the same S. C., and mark on the head and staves thereof the gross, the tare, and the nett weight of tobacco contained therein, and shall deliver to the owner a note, wherein shall be expressed the planter's brand, the number, the river and warehouse, the gross, the tare and nett weight, and upon presenting which note the tobacco shall be delivered to the holder thereof for exportation.

XIII. *And be it further enacted* by the authority aforesaid, That when tobacco shall be delivered at any of the said warehouse or warehouses to any boat, flat, or other craft, to be carried to and laden on board any ship or vessel bound to a foreign market, or to waggons or boats to be removed to a seaport, the inspector or inspectors shall take up his or their notes, and shall give a manifest of the tobacco so delivered, in which shall be expressed the name of the warehouse, and shall run in the following words: "Delivered the — day of —, to A.B. patron of the boat C, — hogsheads of tobacco, marks, weights and numbers as per margin, to go on board the ship (or other vessel, as the case may be) E, for exportation." When removed by a waggon or boat, a blank shall be left for the shipper to insert the name of the vessel; the shipper's mark and number shall also be inserted in the face of the manifest by the inspector, when known, but when it is otherwise a blank column shall be left for that purpose, and to be filled up by the shipper. And each captain or master of a vessel lading tobacco on board for exportation, shall safely keep those inspector's manifests till he has his intended complement on board, and shall then make a general one of his cargo, which shall be produced to the collector of the port before the vessel obtains a clearance to sail; which general manifest the collector of the port shall compare with the inspector's, and if found to agree, the inspectors several manifests shall be filed in the office; and the following oath shall be administered to the captain or mate: "I, A. B., do solemnly swear or affirm that I have no other tobacco on board the ship or vessel called the — than what is in the manifest now by me produced expressed, neither shall any more be laden on board the said vessel for the present voyage by my knowledge or procurement: So help me God." And if any person shall be convicted of having knowingly taken a false oath or affirmation in this respect, such person shall suffer as in case of wilful and corrupt perjury.

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Inspectors to give a manifest when tobacco is removed for exportation.

Duty of captains of vessels shipping tobacco.

Oath.

XIV. *And be it further enacted* by the authority aforesaid, That if any tobacco shall be found on board of any ship or vessel bound to a foreign market or port, without this State, for which no inspector's manifest can be produced, the said tobacco shall be forfeited, and the captain or master of the vessel shall be subject to a fine of five pounds sterling for each hundred weight, and in proportion for a greater or lesser quantity; one half to the informer, and the other half to the State, and to be recovered in any court of record within this State. Or if any captain or master of any vessel, after producing his manifest to the officer of customs, taking the oath, and obtaining his clearance, shall be convicted of receiving any other tobacco on board besides what he has expressed in the said manifest, he shall forfeit double the sum aforesaid, and shall be liable to prosecution for wilful and corrupt perjury.

Tobacco when forfeited.

XV. *And be it further enacted* by the authority aforesaid, That when any tobacco shall be so much cut away as to reduce the same under nine hundred and fifty pounds nett, the deficiency shall be supplied by taking the cut tobacco to pieces and repacking the same with such additional tobacco as shall be requisite, by screws or presses.

If tobacco is cut away to less than 950 wt.

XVI. *And be it further enacted* by the authority aforesaid, That only two inspectors shall be hereafter appointed in Charleston, who shall be obliged to attend together at every inspection.

Only two inspectors for Charleston.

XVII. *And be it further enacted* by the authority aforesaid, That the inspectors in the country shall be paid a salary, to be fixed by the commissioners, in lieu of all the fees and charges heretofore received; and a tax of three shillings per hogshead shall be paid on every hogshead of tobacco inspected at any inspection, warehouse or warehouses, in the

Tax of 3s. on each hhd. to pay inspectors' salaries.

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country; the same to be paid by the purchaser and to be applied in manner abovementioned.

Penalty on inspectors not burning bad tobacco.

XVIII. *And be it further enacted* by the authority aforesaid, That all unclean, unsound or unmerchantable tobacco that may, after the passing of this Act, be condemned at any of the inspections respectively, the inspector or inspectors shall see it is immediately burnt; and on neglecting so to do, he shall forfeit and pay for each hundred pounds weight the sum of five pounds sterling, one half to the informer and the other half to the State, to be recovered as is hereinbefore directed.

Scales, weights and prizes to be provided in the country.

XIX. *And be it further enacted* by the authority aforesaid, That every owner, or the commissioners, of any warehouse or warehouses in the country, respectively, shall provide and keep in good repair, at their respective warehouse or warehouses, good and sufficient scales and weights, at their own expense, prizes, and other implements necessary for the inspection of tobacco, the expense of which to be defrayed as hereinbefore directed; and on failure thereof, shall be subject to a forfeit of ten shillings sterling per day, to be recovered by the person or persons aggrieved, before any justice of peace of this State. And each inspector or inspectors shall enter, in a book to be kept for that purpose, the number of each hoghead, the gross, tare and nett weight, the maker's or owner's name, and to whom the said was delivered for exportation, and when. And where warehouses have been built by the commissioners, the inspector or inspectors shall account with such commissioners, and pay into their hands the storage money, quarterly, as is hereinbefore directed; and where necessary buildings shall have been prepared by the proprietor, they shall account with the proprietor in like manner; and either may demand and have a sight of the inspectors' books, if it shall be judged necessary.

Fee on storage.

XX. *And be it further enacted* by the authority aforesaid, That the storage in the country inspections shall be one shilling per hoghead; provided always, that after the expiration of four months, the said storage shall be at the rate of three pence for each and every month.

Bounds of Charleston enlarged.

XXI. *And be it further enacted* by the authority aforesaid, That the bounds and limits of the city of Charleston shall be, and they are hereby, enlarged, so as to include within the jurisdiction of the city council the lands belonging to the city which are bounded by Hutson-street, Meeting street Road, and St. Philip's-street continued.

One picker or more in the country.

XXII. *And be it further enacted* by the authority aforesaid, That at each of the inspections respectively there shall be one or more picker or pickers, who shall be approved of by the commissioners hereinafter named, and shall act upon oath, and be sworn by the said commissioners; for picking they shall be allowed an eighth part of the first six hundred weight, and five per cent. for all above that quantity, that may be saved out of any hoghead of tobacco by him or them picked.

Commissioners appointed.

XXIII. *And be it further enacted* by the authority aforesaid, That the following persons shall be commissioners at the respective places before mentioned, and shall be, and they are hereby, appointed and empowered to carry this Act into effectual execution; that is to say, For the inspection of the city of Charleston, the honorable John Lewis Gervais, Esq., the honorable Richard Lushington, Daniel Stevens, John Blake, John Budd, Thomas Gadsden, and William Turpin; for the inspection of Georgetown, the honorable Daniel Tucker, Samuel Smith, and John Cogdell; for the inspection at Cheraw Hill, and the northeast side of Pedee river, Benjamin Hicks, senior, William Ellerby, William Thomas, and Morgan Brown, Esquires, and Drury Robertson; for the inspection at or near Friday's Ferry, on both sides of the Congaree river, Thomas

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Taylor, Richard Hampton, James Taylor, John Threewits and James Kelley; for the inspection near Camden, on each side of the Wateree river, John Chesnut, William Lang, and John Kershaw; for the inspections at Campbell's warehouse, Falmouth, and Adams's Ferry, Arthur Simpkins, Esquire, John Martin, and John Herndon; and at or near the Era iron works, near Catawba river, John Drennan, John Harris, Francis Adams, Samuel Watson, and William Hill. Which said commissioners shall have full power and authority to nominate and appoint the several inspectors at the several warehouses hereinbefore mentioned; which appointment shall consist of one at each warehouse in the country, except at the inspections at Campbell's warehouse, Falmouth, and Adams's Ferry, for which said three warehouses shall be only two inspectors appointed, who shall attend together at every inspection alternately, at each place, every two days.

XXIV. *And be it further enacted* by the authority aforesaid, That if any inspector or inspectors, cooper or coopers, or pickers, in the country, shall take any other or greater fee than is allowed by this Act, he or they shall forfeit and pay to the party aggrieved ten shillings for every shilling so taken by him or them, to be recovered by a summary process, before any justice of the peace of this State; any law, custom or usage to the contrary notwithstanding.

Penalty on
taking illegal
fees.

XXV. *And be it further enacted* by the authority aforesaid, That each inspector so appointed shall give bond with substantial security, to be approved of by the respective commissioners, in the sum of one thousand pounds sterling, conditioned well and faithfully to discharge the duties of his office, and made payable to the treasurers of this State; which bond shall be taken by the respective commissioners, and by them lodged, in the country, in the office of the clerk of the county, where county courts are established, or in the office of the clerk of the district, where county courts are not established, or, in Charleston, in the treasury. And if any of the said inspectors shall neglect to give reasonable attendance at all reasonable hours, or shall be guilty of any malpractices, each inspector so offending may be removed, at the pleasure of the commissioners who appointed him or them; and such commissioners shall have full power and authority to appoint another or others in his or their room. Provided, that no such removal shall be lawful, unless such inspector or inspectors hath liberty to make his or their defence, and an opportunity given him or them to disprove the charge alledged against him or them.

Inspectors to
give bond.

XXVI. *And be it further enacted* by the authority aforesaid, That where tobacco, at any of the inspections in this Act before directed, shall be adjudged by the inspector or inspectors to be unmerchantable, or by him or them condemned to be picked or burnt, and the owner think himself aggrieved thereby, if at any warehouse or warehouses out of Charleston, he shall have liberty to call on the inspector who is appointed to attend such warehouse, in case of the other's inability, to review the same, and in case of their disagreeing, one of the commissioners shall decide; and if in or near Charleston, the two inspectors should disagree, they shall call in, as umpire, a third person, to be appointed by the commissioners, who shall be paid the sum of one dollar per hogshead for his attendance and trouble, to be paid out of the fund above directed to be raised for defraying the several expenses of inspection; and if in the opinion of one of the inspectors and of the person so called in as umpire, such tobacco shall be thought merchantable, it shall pass.

Owners and
inspectors dis-
agreeing.

XXVII. *And be it further enacted* by the authority aforesaid, That each inspector, previous to his entering on the said office, shall take the follow-

Inspector's
oath.

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ing oath or affirmation before the commissioners by whom he is appointed, and who are hereby empowered to administer the same, to wit: "I, A B, do sincerely promise and swear (or affirm, as the case may be) that I will well and faithfully inspect all tobacco that shall be brought to me for that purpose, without partiality, favor or affection, according to the best of my judgment; and that I will not, by myself or any other person employed by me or for me, be concerned, either directly or indirectly, in the purchase or sales of any tobacco whatsoever, during my holding the office of inspector, my own crop, or such as is directed to be sold by law, only excepted. So help me God."

Tobacco when forfeited.

XXVIII. *And be it further enacted* by the authority aforesaid, That if any captain or commander of any ship or vessel shall presume to sail from any port within this State for any port not within this State, after the passing of this Act, having tobacco on board not entered and cleared as is hereinbefore directed, all such tobacco shall be forfeited to the State, and shall be seized and sold for the benefit of the same; and the captain or commanders shall be fined in the sum of five pounds sterling for every hundred pounds weight, to be recovered and applied as hereinbefore directed.

Penalty on removing tobacco before the bad is burnt.

XXIX. *And be it further enacted* by the authority aforesaid, That when tobacco shall be offered to view at any of the inspections hereinbefore directed, which shall be refused by the inspector as unmerchantable, any person or persons removing the same before the bad and unmerchantable is burnt, as hereinbefore directed, shall, upon conviction, forfeit and pay the sum of five pounds sterling for every hundred weight so carried away; one half to the informer, and the other half to the use of the State, to be recovered as is hereinbefore directed.

Penalty on adulterating.

XXX. *And be it further enacted* by the authority aforesaid, That when tobacco shall be delivered by any of the aforesaid inspections for transportation, and the person to whom the same is delivered, or in whose care it may be, shall change the cask in which it was delivered, and put other tobacco therein, or suffer any part to be taken out, and other tobacco put in, not the contents of the cask when delivered, the person or persons so offending shall, upon conviction, pay a fine of fifteen pounds sterling, and suffer three months imprisonment, without bail or mainprize.

Death to counterfeit any note or manifest.

XXXI. *And be it further enacted* by the authority aforesaid, That if any person shall erase or alter or counterfeit any note or manifest of tobacco, given by any inspector of tobacco within this State, or shall utter, in payment or barter, any such note or manifest, knowing the same to be counterfeit, every such person on conviction shall suffer death.

Commissioners to make returns.

XXXII. *And be it further enacted* by the authority aforesaid, That the commissioners respectively shall transmit an account of the number of hogsheads of tobacco, and the nett weight thereof, inspected at each warehouse, and the expenses attending the same, each and every year, to the commissioners of the treasury of this State, for the inspection of the Legislature.

Hours of inspection.

XXXIII. *And be it further enacted* by the authority aforesaid, That the commissioners appointed by this Act shall be, and they are hereby, authorized and required to fix the hours in which the inspectors shall attend at the inspection stores; and the sum of ten shillings shall be, and is hereby, imposed on every inspector for every hour he shall wilfully delay or absent himself from the duties of his office, to be sued for and recovered by a summary process, before any judge or justice of the peace in this State, to the use of the person aggrieved.

XXXIV. *And be it further enacted* by the authority aforesaid, That all former Acts relating to the inspection of tobacco be, and the same are hereby, repealed. A. D. 1789.

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT for laying out certain Roads and establishing certain Ferries; No. 1457.
and for other purposes therein mentioned.

(Passed March 13, 1789. *See last volume.*)

AN ACT FOR VESTING IN ROBERT MCKELVEY, ESQUIRE, HIS HEIRS AND ASSIGNS, FOREVER, ALL THE REAL ESTATE WHICH JAMES MCKELVEY, OF EUTAW, DIED LEGALLY SEIZED AND POSSESSED OF. No. 1458.

WHEREAS, Robert McKelvey, Esquire, hath, by his petition to the Legislature, set forth his claim to the real estate of the late James McKelvey, deceased, of Eutaw, which said estate is now sued for on behalf of the State, as being liable to escheat; and whereas, it appears that the claim of the said Robert McKelvey, Esquire, is well founded, but from the length of time and deaths of divers persons cannot be established in a court of judicature, according to the strict legal rules of evidence; wherefore, and by reason of the peculiar hardship of his situation, and for other special matters in his petition contained and duly supported,

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the real estate of which the said James McKelvey died seized or possessed of be, and the same is hereby, vested in the said Robert McKelvey, Esquire, his heirs and assigns, forever. Real estate
vested in Robt.
McKelvey.
Provided always, that nothing herein contained shall extend, or be construed to extend, to deprive any person or persons who shall, within three years from the passing of this Act, make title to, and prosecute the same to judgment, of or for any of the lands or real estate which were of the said James McKelvey, at the day of his death, or otherwise, whose title accrued previous to the fourteenth day of December, in the year of our Lord one thousand seven hundred and eighty-three. Proviso.

II. *And be it further enacted* by the authority aforesaid, That Robert McKelvey, Esquire, shall pay unto the escheator or escheators all charges incurred by him, or either of them, for any proceedings had against the Who is to pay
escheators.

A. D. 1789.

said lands by virtue of the escheat law, passed the twenty-seventh day of March, one thousand seven hundred and eighty-seven.

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1459. *AN ACT* TO VEST IN THE JUSTICES OF THE COUNTY COURTS THE POWERS AND AUTHORITIES OF THE VESTRIES AND CHURCHWARDENS OF PARISHES, SO FAR AS THE SAME RELATE TO THE POOR OF THE RESPECTIVE COUNTIES, WHERE COUNTY COURTS ARE ESTABLISHED.

Powers of
Justices.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the justices of the county courts shall be vested with all the powers and authorities, within their respective counties, that have been heretofore exercised by the vestries and churchwardens of parishes, so far as the same relate to the providing for the poor of the said respective counties, and to the binding out poor orphan children; any law, usage or custom to the contrary notwithstanding.

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1460. *AN ACT* TO VEST IN MARY HENNIZER, AND HER HEIRS, IN FEE SIMPLE, A CERTAIN TRACT OF LAND, LATE THE PROPERTY OF PHILIP CULP, DECEASED.

Preamble.

WHEREAS, in pursuance and by virtue of an Act of this State, entitled "An Act to appoint Escheators, and to regulate Escheats," a tract of land situate in St. Paul's parish, in this State, late the property of Philip Culp, deceased, was deemed, and by law declared to be, escheated and vested in the State; and whereas, Mary Hennizer, of the said parish, widow, hath, in and by her humble petition, set up a reasonable and equitable claim thereto, and prayed that the Legislature would by law establish and confirm her title thereto:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the said tract of land, late the property of Philip Culp, deceased,

Land vested in
Mary Hennizer.

A. D. 1789.

Proviso.

situate, lying and being at Stono, in St. Paul's parish, containing three hundred and eleven acres, or thereabouts, butting and bounding to the east on lands of the Honorable William Clay Snipes, to the north on lands of Mr. Nathaniel Farr, and to the south and west on lands now or late of ——— Sellers, shall be, and the same is hereby, vested in the said Mary Hennizer, and her heirs, in fee simple. Provided nevertheless, that the said Mary Hennizer or her heirs shall fully pay, acquit, and discharge all demands which have been or shall hereafter be brought, either in law or equity, against the said estate, and also shall pay unto the escheator or escheators all charges incurred by them or either of them for any proceedings had against the said lands by virtue of the escheat law, passed the twenty-seventh day of March, one thousand seven hundred and eighty-seven. Provided also, that if any person or persons shall, within three years, appear and make good their right and title to the said land, then, and in that case, the said Mary Hennizer, or her heirs, shall surrender up and deliver over the same to him or them, upon being fully indemnified, made whole, and satisfied, for all sums of money which she or they may have paid on account of the said estate, over and above the proceeds of the personal estate, and all legal commissions which as administratrix she may be entitled to, together with all reasonable charges for necessary improvements made on the said land.

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ORDINANCE for building a Draw Bridge across Wappoo Creek. No. 1461.

(Passed March 13, 1789. *See last volume.*)

AN ORDINANCE FOR PROVIDING PAYMENT FOR THE ATTENDANCE OF THE MEMBERS OF THE LEGISLATURE. No. 1462.

I. *Be it ordained*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That certificates shall be given by the President of the Senate and the Speaker of the House of Representatives, respectively, to the members of each House, for attending the Legislature, and that the same shall be received in payment of taxes for the year one thousand seven hundred and eighty-nine, with the treasury, in payment of the moneys due, or that shall hereafter become due, from vendue duties, except the six hundred pounds appropriated for the payment of arms purchased for the State; and also in payment of general duties due, or that may arise, till the Congress of the United States shall, or may appropriate the same for

Members to receive certificates.

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the use of the General Government of the United States; and in payment of all or any moneys that shall be payable into the treasury, not appropriated by an Ordinance entitled "An Ordinance for funding, and ultimately discharging the foreign debt of this State: any law to the contrary notwithstanding.

In the Senate House, the thirtieth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirtieth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1463. *AN ORDINANCE FOR THE PRESERVATION OF DEER: TO PREVENT THE MISCHIEFS ARISING FROM FIRE HUNTING AND SETTING FIRE TO THE WOODS.*

Preamble.

WHEREAS, many idle and disorderly persons have made, and do make, a practice of hunting with fire in the night time, whereby great numbers of deer are unnecessarily destroyed, and the cattle and other stock of the good citizens of this State are frequently injured; for remedy whereof,

Penalty on persons who hunt with fire in the night time.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any person or persons who shall hereafter hunt with fire in the night time, for every such offence shall forfeit and pay a sum not exceeding two pounds, and for every deer so killed, a sum not exceeding five pounds, and for every horse or head of neat cattle, or other stock of any kind, a sum not exceeding ten pounds, which penalties shall and may be recovered before any one justice of the peace, and four disinterested freeholders in the parish or county where the offence shall be committed, and when recovered shall be paid, one-half to the use of the parish or county, and the other half to the informer who shall sue for and recover the same; and in case any person or persons so convicted as aforesaid shall refuse or neglect to pay such fine, then it shall and may be lawful, and the justice before whom he shall be convicted is hereby required, to commit such person or persons to the common gaol in the county or district where the offender or offenders shall have committed the said crime, there to remain without bail or mainprize for a term not exceeding three months.

Persons liable to action by law.

II. *And be it further ordained* by the authority aforesaid, That any person or persons who shall hereafter hunt with fire in the night time, or kill any horse or neat cattle, or other stock of any kind, the property of another person, shall be liable to an action at law by the person so aggrieved, in addition to the above penalties.

Punishment of slaves when violating the law.

III. *And be it further ordained* by the authority aforesaid, That in case any slave shall be detected in fire hunting, or shall kill in the night time any deer, horse, or neat cattle, or stock of any kind, not the property of his master or owner, such slave shall, on conviction thereof before any one justice and four freeholders of the county or district where the offence was committed, receive such corporal punishment, not extending to life or

limb, nor exceeding thirty-nine lashes, as the said justice and four freeholders shall direct; or in case that it shall appear upon evidence to the satisfaction of the court, that the said offence was committed with the privity and consent of the owner or overseer of the said slave, such owner or overseer, as the case may be, shall be liable to the same penalty, fine, and imprisonment as if he had personally committed the said offence, to be recovered and applied in the same manner as is directed by the first enacting clause of this Ordinance.

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IV. *And be it further ordained* by the authority aforesaid, That any person or persons convicted of killing does at any time between the first day of March and the first day of September, shall be liable to the fines, forfeitures, and penalties, as are imposed by this ordinance, to be recovered and applied in the like manner as is above directed.

Penalty for killing does.

V. *And be it further ordained* by the authority aforesaid, That no person shall put fire to or burn any grass, brush, or other combustible matter, so as thereby the woods, fields, lands, or marshes be set on fire, nor cause the same to be done, nor be thereunto aiding or assisting; and whosoever shall offend herein, and be thereof convicted, shall forfeit the sum of five pounds, one-half to the informer, and the other half to the use of the poor of the parish or county in which the offence shall be committed, and in default of payment of the said sum shall suffer imprisonment for a term not exceeding two months, and shall be moreover liable to the action of any person or persons who thereby shall have suffered damage. Provided, that no person or persons shall be prevented from firing woods, fields, lands, or marshes within his, her, or their own bounds, so that he, she, or they suffer not the fire to get without the bounds of his, her, or their lands, and injure the woods, fence, or grass of his neighbor or neighbors; and where any offence shall be committed against this Ordinance by a servant or slave, without the direction, consent, or knowledge of his master or mistress, the offender (unless the master or mistress shall pay the damage which the owner of the lands shall sustain, and costs of suit,) shall receive not exceeding thirty-nine stripes, at the discretion of the justice and freeholders before whom the offender shall be convicted.

Penalty on persons endangering the property of others by burning woods, &c.

VI. *And be it further ordained* by the authority aforesaid, That the four freeholders, previous to their entering on any trial by virtue of this Ordinance, shall take the following oath or affirmation before the said justice, who is hereby empowered to administer the same, to wit: "I, A B, do swear (or affirm, as the case may be,) that I will, to the best of my judgment, without partiality, favor, or affection, try the cause now depending between A, plaintiff, and B, defendant, and a true verdict give according to evidence. So help me God."

Oath to be taken by freeholders

VII. *And be it further ordained* by the authority aforesaid, That it shall and may be lawful for any justice of the peace before whom information shall be lodged of any breach of this Ordinance, to issue his warrant to any lawful constable, commanding him to summon a sufficient number of disinterested freeholders to appear at a certain time and place for the purpose of hearing, trying, and determining on the said information; and the freeholders so summoned are hereby required to attend, on pain of forfeiting the sum of ten shillings each for neglect, to be laid and levied and applied as hereinbefore mentioned, by authority of the same justice of the peace, unless such defaulter shall give a good and sufficient cause on oath to the satisfaction of the said justice.

Justice to issue warrant to summon freeholders.

VIII. *And be it further ordained* by the authority aforesaid, That the captains of the several companies of militia throughout this State be, and they are hereby, required to cause this Ordinance to be read at the head

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Captains of militia to read this Ordinance to their companies.

of their respective companies at least once in six months, on pain of being chargeable with neglect of duty, and to be proceeded against as a court martial may direct; and that five hundred copies of this Ordinance shall be printed, to be distributed by his Excellency the Governor to the commanding officers of the several regiments throughout this State, whose duty it shall be to distribute them to the captains of their several militia companies.

In the Senat House, this thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1464. *AN ACT* TO PREVENT PERSONS HOLDING CERTAIN OFFICES OF EMOLUMENT FROM LEAVING THE STATE.

Preamble.

WHEREAS, it is inconsistent with the good of the State, that persons holding offices of emolument should leave the same;

Officers of the State not to leave it without permission.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, it shall not be lawful for any judge, attorney general, commissioner of the treasury, auditor, collector of the customs, register of mesne conveyances, secretary of State, or surveyor general, to leave this State without permission first had and obtained from his Excellency the Governor or Commander-in-chief for the time being; any law, usage, or custom to the contrary thereof in any wise notwithstanding.

Forfeiture on officers leaving without permission.

II. *And be it further enacted* by the authority aforesaid, That if either of the said officers shall quit the State without leave, to be obtained agreeable to the directions of this Act, he shall incur a forfeiture of office, and the Governor and Commander-in-chief shall proceed, with the advice and consent of the Privy Council, to fill up the vacancy during the recess of the Legislature, which shall be occasioned thereby.

Governor to grant leave of absence in case of sickness.

III. *And be it further enacted* by the authority aforesaid, That in case of the sickness of any of the said officers, the Governor and Commander-in-chief for the time being is hereby authorized to grant leave of absence, and for no other purpose whatever, to such officer or officers, and an entry of such leave shall be made in the journals of the Council.

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

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AN ORDINANCE TO ENTITLE THE ELECTORS AND MEMBERS OF THE No. 1465.
STATE CONVENTION TO PRIVILEGE DURING THEIR ATTENDANCE.

1. *Be it ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the members of the convention to assemble in May, one thousand seven hundred and ninety, at Columbia, for the purpose of considering and forming a constitution or form of government for this State, and all persons entitled to vote for the said members, shall enjoy the same privileges as are enjoyed by the electors and members of the General Assembly; any law, usage, or custom, notwithstanding.

Privileges of
the members of
the Convention

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO ENLARGE THE TIME FOR THE RECORDING OF MORTGAGES No. 1466.
AND OTHER CONVEYANCES.

WHEREAS, by a clause of an Act of this State entitled "An Act for establishing county courts, and for regulating the proceedings therein," passed on the seventeenth day of March, one thousand seven hundred and eighty-five, it was enacted, "That no conveyance of lands, tenements, or hereditaments within this State, shall pass, alter, or change from one person or persons to another, any estate of inheritance in fee simple, or any estate for life or lives, nor shall any greater or higher estate be made, or take effect in any person or persons, or any use thereof, to be made by bargain or sale, lease and release, or other instrument, unless the same be made in writing, signed, sealed, and recorded in the clerk's office of the county where the land mentioned to be passed or granted shall lie, in manner following: that is to say, if the person or persons who shall make and seal such instrument of writing, shall be resident within the State at the time of making, signing, and sealing the same, then the recording thereof shall be within six months from the signing, sealing, and delivery; and if the person or persons so making, signing, and sealing, shall be resident in any other of the United States at the time aforesaid, then the recording shall be within twelve months; and if without the limits of the United States, then the recording shall be within two years; and if any deed, or any other conveyances, shall not be recorded within the respective times before mentioned, such deeds or other conveyances shall be legal and valid only as to the parties themselves and their heirs, but shall be void and incapable of barring the right of persons claiming as creditors, or under subsequent purchases, recorded in the manner hereinbefore prescribed." And whereas, by reason that so material an alteration in the law of this State with respect to mortgages and other conveyances of lands, being concealed in the body of an Act which, from its title, expressly related only

Preamble.

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to the "Establishment of county courts, and the regulation of the proceedings therein," it has so happened that very few or no mortgagees or purchasers have discovered the same, but have permitted the aforesaid time to elapse without recording their said mortgages or other conveyances, whereby numbers of such mortgagees and purchasers, contrary to the just intent and meaning of the said Act, may be utterly deprived of all benefit from their said mortgages and other conveyances:

Mortgages and conveyances to be recorded.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all such mortgages and other conveyances, as by the said Act are required to be recorded in manner therein mentioned, shall be held and deemed valid, and sufficient in law, any thing in the said Act contained to the contrary thereof in any wise notwithstanding. Provided, nevertheless, that the same be recorded in the clerk's office of the county, the secretary's office, or register of mesne conveyances of any district where county courts are not established where such lands lie, within twelve months from the passing of this Act.

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1467. *AN ACT TO AUTHORIZE THE AUDITOR GENERAL TO RECEIVE AND AUDIT THE CLAIMS OF THE SEVERAL PERSONS HEREAFTER RECITED.*

Preamble.

WHEREAS, by an Act passed the eleventh day of March, one thousand seven hundred and eighty-six, it was enacted that no account, either against the State or persons whose estates have been confiscated, should be received by the auditor general after the expiration of three months from the passing of the said Act. And whereas, John Carne, Sylvester Springer, William Stone, Samuel Stone, Joshua Saxon, Peter Langdon, John Peace, Andrew Frederick, Benjamin Lloyd, Jane Towles, (widow of Oliver Towles,) Mary Mazyck, (for claims against the estate of Moses Kirkland, under confiscation,) have in their several petitions set forth that the State is indebted to them in the several sums therein recited, for provisions or services; and by a committee of the House of Representatives have been examined and found just;

Repealing an act to a certain extent.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the above recited Act, passed the eleventh day of March, one thousand seven hundred and eighty-six, be so far repealed as to admit the auditor to receive and audit the aforesaid demands of the said John Carne, Sylvester Springer, William Stone, Samuel Stone, Joshua Saxon, Peter Langdon, John Peace, Andrew Frederick, Benjamin Lloyd, Jane Towles, (widow of Oliver Towles,) and Mary Mazyck.

Power of the auditor general

II. *Be it further enacted* by the authority aforesaid, That the auditor general shall have power to send for persons, papers, and records, for the purpose of elucidating accounts.

III. *Be it further enacted* by the authority aforesaid, That the Governor or Commander-in-chief for the time being shall have power to appoint a sworn interpreter of foreign languages, for the purpose of translating such papers or accounts in foreign languages, as may be referred to him by the officers of this State.

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Interpreter to
be sworn.

IV. *Be it further enacted* by the authority aforesaid, That the treasurers be authorized and directed to grant special indents to Lewis Bottner for the interest on his indent of two hundred and eighty-two pounds, and all such accounts as may be passed agreeable to this law, from the first day of April one thousand seven hundred and eighty-three.

Treasurers to
grant special
indents to
Lewis Bottner.

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT FOR RAISING SUPPLIES FOR THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY-NINE. No. 1468.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner herein mentioned, should be assessed, raised, and paid into the public treasury of this State for the use and service thereof;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the sum of seven shillings and six pence ad valorem shall be, and is hereby, imposed on all lands granted within this State, and in the manner and under the several regulations hereinafter set forth and expressed, that is to say: 1. All tide swamp not generally affected by the salts or freshes, of the first quality, shall stand rated at six pounds per acre; of the second quality, four pounds per acre; of the third quality, two pounds per acre; all pine barren lands adjoining such swamps, or contiguous thereto, with respect to the benefit of water carriage, at ten shillings per acre; all prime inland swamp, cultivated and uncultivated, at an average of three pounds per acre; second quality, ditto, two pounds per acre; third quality, ditto, one pound per acre; pine barren lands, adjoining or contiguous thereto, at five shillings per acre; salt marsh or inland swamp, clearly proved to the assessors to be incapable of immediate cultivation, five shillings per acre. 2. High river swamp, or low grounds, cultivated and uncultivated, including such as are commonly called second low ground, lying above the flowing of the tides, and as high up the country as Snow Hill, on Savannah river, the fork of Broad and Saluda rivers, on the Congarees, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality at three pounds per acre; the second quality at two pounds per acre; the third quality one pound per acre; except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, which shall be assessed at five shillings per acre. 3. All high river swamp, or low grounds, lying above Snow Hill,

Rate of taxa-
tion on lands.

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the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, fifteen shillings per acre. 4. All high lands without the limits of St. Philip's and St. Michael's parishes, on John's island, James island, and on the main, within twenty miles of Charleston, at one pound per acre. 5. All lands on the Sea islands, Stann's island included, or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn or indigo, and not within the limits prescribed in class number four, one pound per acre. 6. All oak and hickory high lands lying below Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, or the boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers four and five, at fifteen shillings per acre. 7. All pine barren lands not included in classes number one, four, and five, to be assessed at one shilling per acre. 8. All oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality, eight shillings per acre; the second quality, five shillings per acre; the third quality, two shillings per acre. 9. All oak and hickory high lands above the old Indian boundary line, the first quality, six shillings per acre; the second quality, three shillings per acre; the third quality, one shilling per acre. That all lands within the parishes of St. Philip and St. Michael shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to the lands in the country.

Rate of taxing slaves, &c.

II. *And be it further enacted* by the authority aforesaid, That the sum of three shillings and six pence shall be levied on all slaves; three shillings and six pence per head on all free negroes, mulattoes, and mustizees, between the age of sixteen and fifty years; three shillings and six pence on every wheel of all carriages; carts, wagons, and drays excepted; two shillings and six pence per centum on every hundred pounds value of all lots and buildings within any city, village, or borough, and on every hundred pounds of stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters and schoolmistresses excepted)—to be ascertained and rated by the several assessors and collectors hereinafter named, according to the best of their knowledge and information: to be paid in specie, or paper medium of this State.

Slaves employed on Indian lands.

III. *And be it further enacted* by the authority aforesaid, That all negroes who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby, made liable to the payment of this tax, and of all other taxes which have been heretofore laid in any former tax Act.

Special indents to be received in payment of taxes.

IV. Whereas, the funds due to the State for taxes and debts due in special indents will call for all the special indents that can be issued, for payment of interest on the domestic debt of this State, that will become due up to the first day of April, one thousand seven hundred and eighty-nine: *Be it therefore enacted* by the authority aforesaid, That the special indents issued in payment of interest up to the first day of April, one thousand seven hundred and eighty-nine, shall be received in payment of taxes which have or may become due in consequence of the several tax Acts passed for the years one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, one thousand seven hundred and eighty-six, one thousand seven hundred and eighty-seven, and one thousand seven hundred and eighty-eight, and in payment of all debts due the public, payable in special indents.

Compensation of assessors.

V. *And be it further enacted*, That the enquirers, assessors and collectors, appointed by law, shall, for their services in the discharge of their duties, receive, on closing their accounts with the commissioners of

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the treasury, four per centum, except for the parishes of St. Philip and St. Michael in Charleston, who shall receive two per centum, on the amount of the taxes by them collected, to be allowed and paid to the several collectors aforesaid.

VI. *And be it further enacted*, That no member of the Legislature, while he continues such, shall be a tax collector.

VII. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors appointed by law shall begin their enquiry on the first day of October next; and that where all the collectors that were appointed for any parish or county are dead, and the tax returns not closed with the treasurers, the ensuing collector be directed, and he is hereby directed and ordered, to demand receipts, or to administer an oath, or to procure other satisfactory proofs from the persons of the county or parish, that he or they have paid their taxes for the preceding years, in order to discover the taxes still due, and to enable the public to ascertain what sums of money are due by the estates of the deceased collector; and should the executor or administrator of the deceased collector refuse to produce the accounts of the deceased, or give information on the subject, the commissioners of the treasury are hereby ordered to put the law in force against the estates of the deceased collectors.

Returns of former taxes to be made.

VIII. *And be it further enacted*, Assessors and collectors appointed by law shall do and perform all and singular the duties appertaining to their office, as described in an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein."

Duty of the assessors and collectors.

IX. *And be it further enacted*, That the commissioners of the treasury are hereby directed to furnish copies of this Act to each of the assessors and collectors by law appointed, throughout this State, within three months after the passing of this Act, and their reasonable expenses incurred thereby shall be reimbursed.

Treasurers to furnish copies of this Act.

X. *And be it further enacted* by the authority aforesaid, That all and every persons whosoever, any ways liable to pay the tax hereby imposed, shall pay in their taxes to the assessors and collectors appointed to receive the same, on or before the first day of February one thousand seven hundred and ninety; and that the assessors and collectors appointed by law shall pay in the same, and settle their accounts with the treasury, on or before the first day of April, one thousand seven hundred and ninety; any law, usage or custom to the contrary notwithstanding.

Time of payment of taxes.

ESTIMATE

Of supplies wanted for the support of Government, for the year one thousand seven hundred and eighty-nine, viz.

Expenses of the Members of the Legislature, - - -	£5000 00 00
His Excellency the Governor's salary, - - -	900 00 00
[That for the present year it is only necessary to provide for three Judges of the General Sessions and Common Pleas, as one of the Judges is elected a member in the Congress of the United States.]	
Three Judges of the General Sessions and Common Pleas, at £500 each, -	1500 00 00
Attorney General, - - -	200 00 00
Secretary to the Governor and Clerk to the Privy Council, - - -	150 00 00
Auditor of public accounts, - - -	373 00 00
His clerk, - - -	140 00 00
Two Commissioners of the Treasury, - - -	571 08 08
Their clerks, - - -	400 00 00

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	Clerk of the House of Representatives,	-	-	-	-	-	287 00 0
	Two messengers, one to each house, at £70 each,	-	-	-	-	-	140 00 00
	Two doorkeepers, ditto, at fifty pounds each,	-	-	-	-	-	100 00 00
	Powder Inspector and Arsenal keeper,	-	-	-	-	-	100 00 00
	Three Judges of the Court of Chancery, at £500 each,	-	-	-	-	-	1500 00 00
	Collector of the Customs for the Port of Charleston, at the rate of £500 per annum, until the duties are taken out of the hands of the State by the Congress of the United States.						
	Collectors of the Customs for the ports of Georgetown and Beaufort, at the rate of £100 per annum each, until the duties are taken out of the hands of the State by the Congress of the United States.						
	Searcher of the customs for the port of Charleston, at the rate of £150 per annum, until the duties are taken out of the hands of the State by the Congress of the United States.						
	Two Waiters of the customs for the port of Charleston, at the rate of £100 per annum, each, until the duties are taken out of the hands of the State by the Congress of the United States.						
	Waiter of the customs for the port of Georgetown, at the rate of £30 per annum, until the duties are taken out of the hands of the State by the Congress of the United States.						
	Waiter of the customs for the port of Beaufort, at the rate of £20 per annum, until the duties are taken out of the hands of the State by the Congress of the United States.						

INCIDENTAL CHARGES, VIZ.

Printer's bill,	-	-	-	-	-	-	300 00 00
For the transient poor,	-	-	-	-	-	-	1000 00 00
Pensions, Annuities, and arrears of Annuities,	-	-	-	-	-	-	2500 00 00
Contingent fund, to remain subject to the Governor's drafts,	-	-	-	-	-	-	1500 00 00
To the foreign debt,	-	-	-	-	-	-	15000 00 00
For the payment of Resolutions of the General Assembly,	-	-	-	-	-	-	1632 18 9½
For the maintenance of the post at Fort Johnston,	-	-	-	-	-	-	260 00 00
His Excellency the Governor, for Indian affairs, agreeably to the Resolution of Congress, 1333 dollars and one third of a dollar, in addition to the 2000 dollars granted the last year							

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1469. *AN ORDINANCE* FOR THE SALE OF SUNDRY LANDS BELONGING TO THE PUBLIC, AND FOR APPOINTING COMMISSIONERS TO PURCHASE OTHER LANDS FOR THE PURPOSE OF ERECTING STORE HOUSES, AND HAVING TOBACCO INSPECTED IN OR NEAR CHARLESTON.

Preamble

WHEREAS, divers lands whereon the forts and fortifications were erected, and sundry low water and other lots, which had been sold by virtue of an Ordinance passed the sixth day of March, in the year of our Lord one thousand seven hundred and eighty-four, have been re-vested in

the public by reason of the purchasers not having complied with the terms on which the same were sold. And whereas, the commerce of this State will be advanced by giving encouragement to the culture of tobacco;

A. D. 1789.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Josiah Smith, Edward Lightwood, Richard Lushington, Daniel Stevens, Esquires, and William Turpen, be, and they are hereby, authorized and empowered to purchase one acre and a half of such land as shall be fit and answerable for the purpose of erecting a warehouse or warehouses for the reception and inspection of tobacco, which said land shall be and continue forever for the sole use of inspection and storing of tobacco.

Persons appointed to purchase land for public use.

II. *And be it further ordained* by the authority aforesaid, That the said commissioners be, and they are hereby, authorized and required to expose to public sale, on a credit of three years, to be paid for, with the interest thereon annually, in specie or paper medium, so much of the public lands whereon the several forts and fortifications were erected, and the low water and other lots within the city, as shall be sufficient to pay for the purchase of the said one and a half acre of land hereby directed to be bought; and the remainder of the said lands shall be sold by the said commissioners for general indents, payable in one, two, and three years, with interest thereon; any law to the contrary notwithstanding.

Purchasers of public land to have a credit of three years.

III. *And be it further ordained* by the authority aforesaid, That the purchaser or purchasers shall give bonds and a mortgage of the premises, with sufficient security for the said purchases, to the said commissioners, in trust for the purposes by this Ordinance intended, which bonds shall be lodged in the Treasury of the State; and the commissioners of the treasury are hereby authorized and required to pay to the persons from whom the purchase of the said land shall be made, the amount of the said bonds, so to be taken for the payment of the said land, or assign the same, if required, to the person or persons from whom the said land shall be purchased as aforesaid.

Purchasers to give bond to the commissioners.

IV. *And be it further ordained* by the authority aforesaid, That upon the heirs or legal representatives of John Scott, late of Charleston, deceased, giving up and conveying to the said commissioners in trust for, and to be sold for the use of, this State, so much of the low water lot adjoining Craven's bastion, at the north end of the bay of Charleston, eastward of the said bastion, and running in a line with the said bastion, as will make the public lands to the channel of the river of an equal width from the bay to the channel of the river, the said heirs or legal representatives, and the estate of the said John Scott, shall be, and they are hereby, exonerated from the purchase of the said bastion, made from the public by the said John Scott, in his lifetime, and all interest thereon; any law to the contrary notwithstanding.

John Scott and heirs.

V. *And be it further ordained* by the authority aforesaid, That the commissioners, previous to selling the land taken back from the heirs of John Scott, shall lay out so much land as will continue East Bay street sixty-six feet wide, until it shall intersect the intended canal north of Craven's bastion.

Commissioners to continue East Bay street

VI. *And be it further ordained* by the authority aforesaid, That the lands on East Bay street, continued from Mr. Sommer's lot to Ashley river, shall be resold, subject to the former and all future assessments for making and completing the said street.

Certain lands to be sold.

VII. *And be it further ordained* by the authority aforesaid, That the

A. D. 1799.

said commissioners shall respectively be allowed and paid out of the moneys arising on the sales of the said public lands, all their reasonable expenses incurred in consequence of the several powers and authorities hereby vested in them.

In the Senate House, the thirtieth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirtieth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1470.

AN ACT for building a Bridge across Ashley River.

(Passed March 13, 1789. See last volume.)

No. 1471. AN ACT FOR NATURALIZING RICHARD WRAINCH, PATRICK BYRNE, EDWARD BUTLER, GEORGE HARDING, ANDREW SMITH, PAUL SMITH, JAMES BURGESS, JOHN FITZPATRICK, JOHN HARTLEY HARRIS, AND JAMES DOWN, AND THEIR DESCENDANTS.

Preamble.

WHEREAS, Richard Wrainch, Patrick Byrne, Edward Butler, George Harding, Andrew Smith, Paul Smith, James Burgess, John Fitzpatrick, John Hartley Harris, and James Down, have, by their respective petitions to the Legislature, humbly prayed that they and their descendants respectively may be partakers of all the rights, privileges and immunities which the natural born citizens of the State of South Carolina do enjoy;

Citizenship
granted to cer-
tain persons.

L. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Richard Wrainch, Patrick Byrne, Edward Butler, George Harding, Andrew Smith, Paul Smith, James Burgess, John Fitzpatrick, John Hartley Harris, and James Down, on taking and subscribing the oaths of allegiance and abjuration, before any one of the judges of the court of common pleas of this State, they and their descendants respectively shall be deemed, adjudged, and taken to be natural born citizens of this State, to all intents, constructions, and purposes, as if they had been or were born within the same. Provided always, that none of the above mentioned persons, or either of them, shall be eligible to the office of Governor, Lieutenant Governor, delegate to Congress, Intendant of the city of Charleston, member of the City Council, or to the office of justice of the peace, nor to a seat in the Privy Council, or either branch of the Legislature, for and during the term of four years from and

after the passing of this Act, subject, nevertheless, to such regulations within that period as shall be established by the Federal Government.

A.D. 1789.

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ORDINANCE FOR FUNDING, AND ULTIMATELY DISCHARGING, THE FOREIGN DEBT OF THIS STATE. No. 1472.

WHEREAS, it is essential to the honor and credit of this State that funds should be forthwith provided for the discharge of the foreign debt;

Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following funds shall be, and the same are hereby, solemnly pledged for the payment of the foreign debt; that is to say, the sum of ten thousand pounds out of the moneys to be collected on the first day of the month of April, in the year of our Lord one thousand seven hundred and ninety, by virtue of the tax Act passed at the present session. Also the interest which shall annually grow due on the paper medium. Also the balances which are due, and shall become due, on bonds which were given for confiscated estates, and which are payable in specie. Also, all sums due, or to become due, for amercements, payable in specie. Also, the balances of all the bonds which were given for general duties, and which are payable by instalments. And also all bonds for duties that became due prior to the first day of January, in the year of our Lord one thousand seven hundred and eighty-eight, and that are not installed.

Sums pledged to pay the foreign debt.

II. *And be it further ordained*, by the authority aforesaid, That a tax of one-fourth of a dollar per head per annum, is hereby imposed on all negroes, mustizoes, and mulattoes, and the assessors and collectors for the time being are hereby authorized and required to assess and collect the same annually, for the term of ten years, beginning from the month of February, in the year of our Lord one thousand seven hundred and ninety-one, and the moneys to arise therefrom shall be paid into the treasury separate and apart from any money which shall be collected for defraying the annual expenses of Government. And the commissioners of the treasury are hereby required to keep distinct accounts of all moneys which shall be paid to them as aforesaid, and apply the same to the payment of the foreign debt only.

Tax on negroes for a certain period.

III. *And be it further ordained* by the authority aforesaid, That the auditor be, and is hereby, directed and empowered to settle, balance, and credit the account of each foreign creditor respectively, who, either in person or by attorney duly authorized for such purpose, shall signify his acceptance of the provision made by this ordinance, in lieu of a precise fulfilment of the stipulations heretofore entered into with the agent of the State; and that upon the sum total that shall be so found due thereon, interest shall be annually paid as aforesaid.

Auditor to settle the accounts of foreign creditors.

A. D. 1789.

Commissioners
of the treasury
to keep a fair
record of the
sums due to for-
eign creditors.

IV. *And be it further ordained* by the authority aforesaid, That the commissioners of the treasury be, and they are hereby, directed to open an account in the books of the treasury, and therein enter to the credit of the foreign creditors respectively, all such sums of money as shall appear to be due to them, and the sum so entered shall be and remain a transferable stock, subject to the regulations hereinafter mentioned; that is to say, the commissioners of the treasury having made a fair record, as aforesaid, the sum thus recorded shall be and remain the property of the respective creditors, and shall in no wise be transferred or become the property of any other person whatever, except only by the act of the said creditors respectively, appearing in their proper persons at the treasury, and signing an order for such transfer, or by their special power of attorney authorizing a person to appear in their name and make such transfer on their account, and in such case the sum thus transferred by each or either of the said methods, shall, by virtue thereof, become the sole, free, and full property of the persons in whose name it is so recorded, to all intents and purposes whatsoever.

V. *And be it further ordained* by the authority aforesaid, That the commissioners of the treasury shall give to the person or persons to whose credit the said demand shall be entered, a certificate for his said debt or debts, in the words following:

Form of the
certificate to be
given by the
commissioners.

"Treasury of the State of South Carolina: —day of —. In pursuance of an Ordinance of the Legislature of South Carolina, passed the — day of —, we do hereby certify and declare, that there is due by the State of South Carolina to A. B. the sum of —, sterling money of this State, in specie, redeemable in the cities of Paris or Amsterdam, as the case may be, bearing interest, payable at the treasury of this State yearly, at seven per centum per annum, from the — day of —, in the year —, which debt is duly recorded in the books of the treasury, and transferable there only according to the rules and terms expressed in the said Ordinance."

Provided, nevertheless, that the said certificate shall in no case be issued until the bonds or indents which have already been given for the said debts respectively shall be delivered up to the commissioners of the treasury, or to some person or persons duly authorized by the Governor or Commander-in-chief for the time being, to receive the same.

Interest to be
paid before the
principal.

VI. *And be it further ordained* by the authority aforesaid, That no part of the capital of the foreign debt be paid out of any moneys hereby appropriated as aforesaid, until a sufficient sum be first applied to the extinguishment of the interest.

Manner of
paying foreign
debt.

VII. *And be it further ordained*, That no dividend for the reimbursement of the capital of the foreign debt shall be made except annually, and subsequent to the yearly discharge of the interest, and such dividend shall be rendered only in exact proportion to the relative amount of the capital owned by each creditor respectively, so that equal justice may be extended to all the foreign creditors of this State.

In the Senate House, this twentieth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1789.

AN ACT CONCERNING ESTRAYS.

No. 1473.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for any freeholder, by himself or his agent, to take up any estray which shall be found within his inclosed grounds; and, having so done, shall, within three days, advertise the same at three or more public places, and shall, within ten days, give information thereof to some justice of the peace for the county, who shall thereupon issue his warrant to three disinterested persons of the vicinage, and for which he shall receive three shillings, commanding them, having been first duly sworn thereto, well and truly to appraise or ascertain the value of such estray, and to certify such valuation under their hands, together with the particular description of the kind, marks, brand, stature, colour, and age; which certificate shall be sent to the clerk of the county, within ten days, and by such clerk shall be entered in a book to be kept for that purpose; and at the next court to be held thereafter such clerk shall cause a copy of every such certificate to be publicly affixed to the door of his court house, and continue the same on three several courts after he shall have received such certificate; for which services, and a certificate thereof, three shillings and six pence shall be paid by the owner, or, in case of sale, out of the amount of the sales. If the valuation shall be under twenty pounds, and no owner shall appear before the adjournment of the third court held at the court house wherein the description of the said estray hath been published, then the said court, by their order, shall cause the said estray to be publicly sold at auction, on a credit of six months, the purchaser giving bond to the clerk, with security, to be by them approved. Where the valuation shall exceed twenty pounds, after publication as aforesaid the taker up shall send to the printer of the State Gazette a true copy of the certificate of the description and appraisement, together with notice where the said estray is to be found, within one month from the time of such appraisement; and the State printer shall advertise the same three times in the State Gazette, and shall receive five shillings for each estray so advertised; and if no owner shall appear and make title thereto, within six calendar months from the date of the first publication, then such estray shall be sold in manner as above directed.

Any freeholder
may take up
estrays.

To be apprais-
ed and sold.

II. *And be it further enacted* by the authority aforesaid, That where there are no county courts established, the magistrates in the several parishes shall be, and they are hereby, empowered and directed, where estrays are taken up, to enter the certificates of valuation, to be obtained as above directed, in a book to be kept by them for that purpose, and shall, without discrimination with respect to value, publicly advertise the same at three or more public places in the parish, and also three times in the State Gazette, as above directed, the expense of which advertisement shall, in the first instance, be paid by the taker up of such estray; and if no owner shall appear and make title to such estray, within six calendar months from the date of the first publication in the State Gazette as aforesaid, then such estray shall be publicly sold at auction, on a credit of six months, the purchaser giving bond to the magistrate, with security, to be by him approved of.

How justices
shall proceed
where there are
no county
courts

III. *And be it enacted* by the authority aforesaid, That if any owner shall appear and prove his or her claim to any estray which may have been

A. D. 1735.

Proceedings if
owner shall
appear.

If no owner ap-
pears, money
how to be
appropriated.

How persons
taking up es-
trays shall be
compensated.

Bonds given for
purchase of es-
trays - recovera-
ble without
impairance.

Stone horses
not to run at
large.

Penalty on
neglect.

Fees.

Former Act
repealed.

sold as above, within twelve calendar months from the date of such sale, he or she shall be entitled and have a right to receive from the court or magistrate, as the case may be, after payment of all the reasonable expenses, the full amount of the monies arising from such sale; but if no owner shall appear and lay claim within the said term of twelve calendar months from the date of the sale as aforesaid, then and in that case the said monies shall, where there are county courts, be applied to the use of the county, and where there are no county courts the money shall be paid by the magistrate to the commissioners of the public roads, and be applied towards the building or repairs of the public bridges, in such parishes or counties where there are bridges, and where there are no bridges to be built or requiring repair, to the use of the public roads within the parish where such estrays shall have been taken up and sold.

IV. *And be it further enacted* by the authority aforesaid, That as a compensation for keeping and maintaining estrays until the time of sale, it shall and may be lawful for the taker up, at his option, either to put them to moderate labour or use, if they should be of a kind capable thereof, or to demand and receive therefor such a reasonable allowance as the court or magistrate shall judge adequate. Provided always, that when any estray shall have been put to labour or use, the taker up shall be obliged to produce it at the time of sale, unavoidable accidents excepted, in as good order and condition as it was in when appraised.


V. *And be it further enacted* by the authority aforesaid, That if any purchaser of any estray shall neglect or refuse to discharge his or her bonds given for the purchase money, at the time it shall become due, the same shall be recoverable, without impairment or delay, at the first court of the county which shall be held thereafter, where there are county courts established; and where there are no county courts, the magistrate shall, where the sum does not exceed the extent of his jurisdiction, levy for the same by his warrant; but where the sum shall exceed the jurisdiction of the magistrate, it shall be recoverable in the first court of the district which shall be held thereafter, wherein no impairment shall be allowed.

VI. *And be it further enacted* by the authority aforesaid, That if any person shall wilfully suffer any stone horse, above the age of twenty months, to run at large in the woods, it shall be lawful for any person to catch and geld such horse, and shall have a right to recover from the owner thereof ten shillings for so doing; any law to the contrary notwithstanding.

VII. *And be it further enacted* by the authority aforesaid, That if any magistrate or clerk of the county, or person taking up any estray, shall refuse or neglect to perform the duties prescribed by this Act, each and every of them shall forfeit and pay the sum of five pounds, to be recovered and applied to the use of any person who shall inform and sue for the same, and shall moreover be liable in damages to the party aggrieved.

VIII. *And be it further enacted* by the authority aforesaid, That the constable or other person who may be directed or obliged to serve any process issued in pursuance of the directions contained in this Act, shall be entitled to receive the same fees as are by law allowed for the service of process of a similar nature, issued in other cases by the magistrates of this State.

IX. *And be it further enacted* by the authority aforesaid, That the Act passed the twenty-seventh day of March, one thousand seven hundred and eighty-seven, entitled "An Act concerning Estrays," and every clause,

matter and thing therein contained, shall be, and the same is hereby, *A.D. 1789.*
repealed. 

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT for granting to the Circuit Courts complete, original, and final No. 1474.
jurisdiction, and for regulating the same.

(Passed March 13, 1789. *See last volume.*)

AN ACT TO PREVENT THE STEALING OF HORSES, ASSES, AND MULES; No. 1475.

AND FOR THE MORE EFFECTUAL PREVENTION OF STEALING BLACK OR NEAT CATTLE, SHEEP, GOATS, AND HOGS; AND FOR THE PUNISHMENT OF THOSE PERSONS WHO SHALL UNLAWFULLY MARK, BRAND, OR KILL THE SAME; AND FOR REPEALING THE ACTS RELATIVE TO THE SAME, PASSED FEBRUARY 17, 1704-5, APRIL 12, 1768, AND MARCH 26, 1784.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, all ^{Death to persons stealing horses, &c.} and every person or persons who shall be indicted and found guilty of stealing any horse, mare, gelding, colt, filley, mule, or ass, shall be adjudged and deemed guilty of felony, and shall suffer death without benefit of clergy.

II. *And be it further enacted* by the authority aforesaid, That any person or persons who shall be lawfully convicted of stealing any bull, cow, ox, steer, or calf, shall be subject to a fine or penalty of ten pounds sterling ^{Penalty on persons stealing cattle, &c.} for each and every bull, cow, ox, steer, or calf, for stealing of which he or they may be convicted as aforesaid; and in case any such offender or offenders shall not be able to pay such fine or penalty, he, she, or they, instead of such fine or penalty, shall be subject to be publicly whipped, and personally receive a number of lashes or stripes, not exceeding thirty-nine stripes or lashes, on the bare back; and if any of the said offenders shall, at any time afterwards, commit or repeat the like offence, he, she, or they, on conviction thereof, shall be subject to be publicly whipped, and severally receive a number of lashes or stripes, not exceeding fifty stripes or lashes, on the bare back.

III. *And be it further enacted* by the authority aforesaid, That if any person or persons shall be lawfully convicted of wilfully and knowingly marking, branding, or disfiguring of any horse, mare, gelding, colt, filley, ass, mule, bull, cow, steer, ox, or calf, of or belonging to any other person, ^{Penalty for disfiguring animals.}

A. D. 1783.

the said offender or offenders shall, for each and every horse, mare, gelding, colt, filley, ass, mule, bull, cow, steer, ox, or calf, of which he, she, or they shall or may be convicted of branding or disfiguring as aforesaid, shall be subject to the penalty of twenty pounds, and on non-payment thereof, he, she, or they shall be publicly whipped, and severally receive a number of stripes or lashes, not exceeding thirty-nine stripes or lashes, on the bare back; and in case any of the said offenders shall afterwards repeat or commit a like offence, he, she, or they, on conviction thereof, shall be liable to the penalty or fine of forty pounds for each and every horse, mare, gelding, colt, filley, ass, mule, bull, cow, steer, ox, or calf, by him, her, or them killed, branded, or disfigured, and of which he, she, or they shall be convicted as aforesaid; and in case of non-payment of the said penalty or fine, he, she, or they shall be publicly whipped, and severally receive a number of lashes or stripes, not exceeding fifty stripes or lashes, on the bare back.

Penalty for
stealing sheep,
hogs, &c.

IV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall be indicted and found guilty of stealing any sheep, goats, or hogs, he, she, or they shall be subject to a fine or penalty of five pounds sterling for each and every sheep, goat, or hog, for stealing of which he, she, or they may be convicted as aforesaid; and in case any such offender or offenders shall not be able to pay such fine or penalty, he, she, or they, instead of such fine or penalty, shall be subject to be publicly whipped, and severally receive a number of lashes or stripes, not exceeding thirty-nine stripes or lashes, on the bare back; and if any of the said offenders shall, at any time afterwards, commit or repeat the like offence, he, she, or they, on conviction thereof, shall be subject to be publicly whipped, and severally receive a number of lashes or stripes, not exceeding fifty stripes or lashes, on the bare back.

Penalty for dis-
figuring sheep,
hogs, &c.

V. *And be it further enacted* by the authority aforesaid, That if any person or persons shall be lawfully convicted of wilfully and knowingly marking, branding, or disfiguring of any sheep, goat, or hog, of or belonging to any other person, the said offender or offenders shall, for each and every sheep, goat, or hog, of which he, she, or they shall or may be convicted of branding or disfiguring as aforesaid, shall be subject to the penalty of five pounds; and on non-payment thereof, he, she, or they shall be publicly whipped, and severally receive a number of stripes or lashes, not exceeding thirty-nine stripes or lashes, on the bare back; and in case any of the said offenders shall afterwards repeat or commit a like offence, he, she, or they, on conviction thereof, shall be liable to the penalty or fine of ten pounds for each and every sheep, goat, or hog by him, her, or them killed, branded, or disfigured, and of which he, she, or they shall be convicted as aforesaid; and in case of non-payment of the said penalty or fine, he, she, or they shall be publicly whipped, and severally receive a number of lashes or stripes, not exceeding fifty stripes or lashes, on the bare back.

Slave not to
brand any animal
except by
the direction of
a white person.

VI. *And be it further enacted* by the authority aforesaid, That it shall not be lawful hereafter for any slave to brand or mark any horse, mare, gelding, colt, filley, ass, mule, bull, cow, steer, ox, calf, sheep, goat, or hog, but in the presence and by the direction of some white person, under the penalty of being whipped: provided the same whipping shall not exceed fifty lashes, by order of any one or more of the justices of the peace of the county or parish before whom such offence shall be proved by the evidence of any white person or slave.

VII. *And be it further enacted* by the authority aforesaid, That all witnesses who shall be duly sworn or bound over in recognizance to

attend and give evidence against all or any of the offenders aforesaid, and do accordingly attend, shall be entitled to the same allowance or charges as witnesses attending trials in the court of common pleas; which said allowance and charges shall be defrayed and paid out of the above fines or penalties, and on defect thereof, out of any other fines or forfeitures that may be in the hands of or received by the clerk of the court where such offenders are tried.

A D. 1769.

Pay of witnesses.

VIII. *And be it further enacted* by the authority aforesaid, That an Act entitled "An Act to prevent stealing of horses and neat cattle," passed the seventeenth day of February, one thousand seven hundred and four-five, and an Act passed the twenty-sixth day of March, one thousand seven hundred and eighty-four, entitled "An Act for reviving and amending an Act entitled an Act to prevent the stealing horses and neat cattle, and for the more effectual discovery and punishment of such persons as shall unlawfully mark, brand, or kill the same," passed the twelfth of April, one thousand seven hundred and sixty-eight, be, and are hereby, together with the said last mentioned Act, declared void and of none effect.

Former acts declared null and void.

In the Senate House, the thirteenth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, and in the thirteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ORDINANCE to prolong the time of the sitting of the Court of Common Pleas next November, at Cambridge, and to oblige Sheriffs and Gaolers of the several counties where courts are held, to receive any prisoners which may be committed to their charge. No. 1476.

(Passed January 20, 1790. *See last volume.*)

AN ORDINANCE for incorporating the Baptist Church on Horne's Creek, in Edgefield county, in the State of South Carolina. No. 1477.

(Passed January 20, 1790. *See last volume.*)

AN ACT TO AUTHORIZE THE SECRETARY OF THE STATE TO DELIVER TO ROBERT HARRIS THE WILL OF SIMPSON HARRIS. No. 1478.

WHEREAS, it hath been represented to the Legislature by Robert Harris, of Harrisburgh, in the State of Pennsylvania, that a paper recorded in the secretary's office, purporting to be the original will of Simpson

Preamble.

A. D. 1799.

Harris, is a forgery, and that the witnesses and parties interested in developing the same, reside without the limits of the State :

Will of Robert
Harris.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the secretary of the State be, and he is hereby, authorized and directed to deliver to Robert Harris, of Harrisburgh, in the State of Pennsylvania, the said paper purporting to be the original will of Simpson Harris, after duly recording in his office a copy of the same ; he, the said Robert Harris, paying the customary fees of recording.

In the Senate House, the twentieth day of January, in the year of our Lord one thousand seven hundred and ninety, and in the fourth year of the Independence, of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1479. *AN ORDINANCE* TO AMEND AND CARRY INTO EFFECT AN ACT ENTITLED "*An Act to procure a Census of the free white inhabitants of this State;*" AND FOR ASCERTAINING THE TAXABLE PROPERTY IN THIS STATE.

Preamble.

WHEREAS, the Act entitled "*An Act to procure a census of the free white inhabitants of this State,*" ratified the 29th day of February, A. D. one thousand seven hundred and eighty-eight, is defective and inadequate to the views and purposes thereof ; to remedy which,

Militia officers
to take the
census of the
State.

I. *Be it ordained*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the commanding officer of every regiment throughout this State, shall, within one month after the passing of this Ordinance, issue out his orders to the several captains or other officers commanding companies of their respective regiments, requiring them and each of them to take or cause to be taken an exact enumeration of all the free white inhabitants of the said State, (other than and excepting aliens,) distinguishing sexes, and remarking the number of males between the ages of sixteen and fifty, dwelling within the circle of their respective beats or companies, within one month from the time such orders shall be issued ; and every captain or other officer commanding any company, shall, for the above purpose, require the attendance or assistance of any subaltern officer, clerk, or sergeant, and all or any of them of his company, as he may think proper, who shall give such attendance and assistance.

Heads of families
to give an
account
of them.

II. *Be it also ordained* by the authority aforesaid, That each and every household or head of a family, male or female, shall, within eight days after notice and requisition had and made, deliver, or cause to be delivered, unto the captain or other officer appointed to receive the returns, respectively as aforesaid, an exact account or enumeration of all such free white persons as may compose his or her family, or live in his or her house, other than and excepting aliens, distinguishing their sexes and mentioning the number of males between the ages of sixteen and fifty, as aforesaid, and shall make oath that the account or enumeration by him or her so made, is just and true, either before some justice of peace, or before

the captain or other officer or clerk of the company appointed to receive the respective returns, who is and shall be hereby empowered to administer the same.

A. D. 1790.

III. *Be it also ordained* by the authority aforesaid, That the captains or other officers commanding companies, within fifteen days after the time prescribed for taking and receiving the accounts and enumerations of the householders or heads of families in manner above directed, shall respectively return the same to the commanding officers of their respective regiments, and shall make oath before some magistrate or justice of the peace, that the returns so by them made respectively, are just and true, according as the said returns and enumerations may have been taken by or delivered unto them.

Returns to be made on oath.

IV. *Be it further ordained* by the authority aforesaid, That the colonels or other officers commanding regiments, shall respectively make out general returns from those made and delivered to them by their captains or other officers as aforesaid, and shall certify upon oath (such oath to be made before some magistrate or justice of the peace) that the general returns so by them made, are just and true, according to those made and delivered unto them by their respective captains and other officers, and shall deposit, or cause the same to be deposited, in the secretary's office of this State, on or before the tenth day of May next.

Colonels to deliver returns on oath.

V. *Be it further ordained* by the authority aforesaid, That every colonel or other commanding officer who shall neglect or refuse to execute and discharge the duties prescribed and enjoined on him by this Act, shall be liable to the penalty of one hundred pounds. And every captain or other officer commanding a company, who shall neglect or refuse to execute and discharge the duties prescribed and enjoined to him shall be liable to the penalty of twenty pounds. And every subaltern, clerk, or sergeant, who shall neglect or refuse to discharge the duty prescribed and enjoined to him, shall be liable to the penalty of ten pounds. And every householder or head of a family who shall, after due notice and requisition as aforesaid, neglect or refuse to deliver an account and enumeration of his or her family as above directed, shall be liable to the penalty of five pounds; all which several penalties shall be recoverable by action of debt, to be brought by the county attorney, where county courts are established, and by the attorney general, in the districts where no county courts are established.

Penalty on officers and others neglecting to do their duty.

VI. And whereas, an exact knowledge of the taxable property of the State is also necessary for ascertaining a just and adequate representation; *Be it therefore ordained* by the authority aforesaid, That the commissioners of the treasury and the auditor general be, and they are hereby, directed, on or before the tenth of May next, to ascertain the taxable property within the different parishes, election districts, and counties of this State, from the tax returns to be procured as is hereafter directed, separating from each return the property that has been included therein, by any person or persons resident in other parishes, districts, or counties, and placing it to the particular account of each parish, district, or county in which such property may be actually situated; distinguishing in columns the value of lands, number of slaves, and other species of taxable property; and previous to their entering on the execution of the duty hereby enjoined them, they shall take on oath before his Excellency the Governor of the State, or the Commander-in-chief for the time being, for the diligent and faithful execution thereof.

Treasurers & auditor general to ascertain the amount of taxable property in the State.

VII. And to enable the said commissioners of the treasury and auditor general to carry this part of the Ordinance into effect, *Be it therefore*

A. D. 1790.

Treasurers
to demand from
the collectors a
return of taxes.

ordained by the authority aforesaid, That the commissioners of the treasury be, and they are hereby, required to demand from the respective collectors of this State a just and true account, to be rendered by the fifteenth day of April next, on oath, of the taxable property returned for the year one thousand seven hundred and eighty-nine, within their and each of their respective tax districts, together with a specification of the parish, county, or district where the said property actually lies, as far as the same can be by them ascertained; and every collector who shall make default, shall be liable to the penalty of one hundred pounds, to be recovered in manner herein directed.

In the Senate House, the twentieth day of January, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1480. AN ORDINANCE to incorporate a Society for the purpose of raising and securing a fund for the relief of the Widows and Children of the deceased Presbyterian Ministers belonging thereto.

(Passed January 20, 1790. See last column.)

No. 1481.

AN ORDINANCE TO DO JUSTICE TO JAMES BURN.

Preamble.

WHEREAS, it is but just and right to make compensation to James Burn for the property belonging to him which was confiscated by an Act passed at Jacksonborough, on the 26th February, 1782. And whereas, sundry persons purchased the said property from the commissioners of forfeited estates, and have much improved the same: and which, were the same restored, might involve the former proprietor and the present possessors, in contests and difficulties.

Commissioners
to be appointed
by the Govern-
or to value
property.

1. *Be it therefore ordained*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That his Excellency the Governor be, and he is hereby, authorized to appoint three commissioners to value the said property, (regard being had to the situation of the same when sold,) and to make return to him on oath of such valuation; and that he direct the treasurers to give unto the said James Burn a particular indent or indents for the said valuation, with interest thereon from the day of sale, payable in four equal annual instalments, the first payment to be made on the first of March, 1791; and the said indent or indents to be received in the treasury in payment of all money taxes which may become due during the years 1791, 1792, 1793, and 1794, (except funds arising from such taxes as are appropriated to the payment of the foreign debt of this State.)

In the Senate House, the twentieth day of January, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1790.



AN ORDINANCE FOR ADDING ANOTHER INSPECTOR OF TOBACCO FOR THE INSPECTION OF CAMPBELL'S WAREHOUSE, FALMOUTH, AND ADAMS'S FERRY. No. 1482.

WHEREAS, by an Act entitled "An Act for the regulating the inspection and exportation of tobacco, and for other purposes therein mentioned," it is enacted that only two inspectors shall be appointed for the inspection at Campbell's warehouse, Falmouth, and Adams's Ferry, and it appears from the petition of sundry inhabitants and tobacco planters in the district of Ninety-Six, that it would be of great advantage and convenience to them to have separate inspectors appointed for each of the said inspections:

Preamble.

I. *Be it therefore ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Arthur Simkins, Esq. John Martin, John Hammond, of Campbelltown, Nathaniel Bacon, and Fields Perdue, be, and they are hereby appointed, commissioners, and they, or the majority of them, shall have full power and authority to appoint an inspector of tobacco for each of the said inspections, to attend at the said inspections in such manner and at such times as the said commissioners, or a majority of them, shall direct and appoint; and that the said commissioners shall have the same powers, and the said inspectors shall have such salaries as the said commissioners, or a majority of them, shall appoint; and the said inspectors shall perform the same duties, and give the same security, and be liable to the same penalties, as other country commissioners and inspectors are entitled or liable to by the said Act.

Commissioners to appoint inspectors of tobacco.

In the Senate House, the twentieth day of January, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO PREVENT SUITS FOR THE RECOVERY OF REAL ESTATES BEING BARRED BY THE ACT OF LIMITATION, UNTIL MARCH 26, 1791. No. 1483.

WHEREAS, it is expedient to suspend the operation of the Limitation Act to a further period;

Preamble.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That no person who, on the twenty-sixth day of March next, would be barred by, or for want of prosecution, from recovery of any lands or real estate, shall be barred on that day, but that every such person shall be barred on the twenty-sixth day of March, one thousand seven hundred and ninety-one.

Time of barring the recovery of real estate.

In the Senate House, the twentieth day of January, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

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A. D. 1790.

No. 1484. *AN ORDINANCE* PRESCRIBING, ON THE PART OF THIS STATE, THE TIMES, PLACES AND MANNER OF HOLDING ELECTIONS FOR REPRESENTATIVES IN CONGRESS.

IN order to carry into effect, on the part of this State, the Constitution for the United States of America,

The State divided into five districts, each of which shall send 1 member to Congress.

I. *Be it ordained*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the elections in this State for members of the House of Representatives in the Congress of the United States shall be had in the manner following, that is to say : this State shall be, and is hereby declared to be, divided into five districts, of which Charleston district shall form one ; Beaufort and Orangeburgh districts, united, another ; Georgetown and Cheraw districts, united, another ; Camden district another ; and Ninety-Six district another. And each of the said five districts shall send one member from this State to the House of Representatives in the Congress of the United States, to be chosen by the persons qualified to vote for members of the House of Representatives of this State. And the same elections shall be holden on the second Monday in October next, and the day following, and regulated and conducted in the same manner as the elections for the members of the House of Representatives of this State ; and the person who, at the said election, shall have the greatest number of votes in the district of Charleston, and the person who shall have the greatest number of votes in the united districts of Beaufort and Orangeburgh, and the person who shall have the greatest number of votes in the united districts of Georgetown and Cheraw, and the person who shall have the greatest number of votes in Camden district, and the person who shall have the greatest number of votes in the district of Ninety-Six—shall be the members from this State to the House of Representatives in the Congress of the United States. Provided nevertheless, that no person shall have a right to vote at more than one place in each district, under the pain of forfeiting the sum of ten pounds for every vote after the first, to be recovered by action of debt, in any court of record, by any person who will sue for the same ; and provided also, that such of the voters forming the militia regiment commanded by Lieutenant Colonel Philemon Waters, between Broad and Saluda rivers, as lie within the district of Orangeburgh, shall, in future, vote at the place of election appointed for electing members for the district of Saxe-Gotha, instead of voting at the Dutch Church, with the remainder of the regiment lying within Ninety-Six district.

Proviso.

Managers of elections to make returns to the governor.

II. *And be it further ordained* by the authority aforesaid, That the officers or persons by whom each of the said elections shall be conducted at the different places of election, (and who shall be the same persons that shall conduct the elections for members of the Legislature,) shall make a true return, within twenty days thereafter, to the Governor or Commander-in-chief of this State, of the names of the persons voting, and of the candidates or persons voted for, at the said election, and of the number of votes given thereat for each of the said persons ; and that, on the first day of November next, at 10 o'clock in the forenoon, the Governor shall cause the said returns to be examined in a public manner, and ascertain the number of votes given at the said election for every person, and what five persons have respectively the greatest number of votes in the said dis-

tricts; and having ascertained who are the said five persons duly elected, in manner aforesaid, to be members of the House of Representatives in the Congress of the United States, the Governor or Commander-in-chief for the time being shall cause the same to be immediately notified by proclamation, and notice of such election to be given to each member; and that the Governor or Commander-in-chief shall deposit the original poll of each district in the Secretary's office of the State.

A.D. 1790.

III. *And be it further ordained* by the authority aforesaid, That in case the same person shall be returned for two or more of the said districts, he may choose, within twenty days after due notice shall be given him thereof, for which district he will serve; and on his making such choice, or neglecting so to do, within the said term, the Governor or Commander-in-chief for the time being shall direct another election to be held within twenty days thereafter for the vacant district or districts, to be conducted and regulated in like manner as before prescribed; and the Governor or Commander-in-chief shall proceed in the same manner where the member elected in any of the said five districts refuses to serve, or omits to signify to the Governor or Commander-in-chief his intention of serving, within twenty days after he has received due notice of his election. And in case of the death of any person elected, or if his seat should become vacated by any other means, or if two or more persons shall have equal votes for any district, the Governor shall order a new election, as the case may require, to be conducted as near as may be in manner before prescribed. *Provided* nevertheless, that when any person who may be elected for any of the said five districts shall be without the limits of this State, he shall be allowed the term of fifty days to signify to the Governor or Commander-in-chief his intentions to accept of or decline a seat in the House of Representatives of the United States, under such election.

Cases of vacancies provided for.

In the Senate House, the twentieth day of January, one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ORDINANCE to oblige the male inhabitants, from the age of sixteen to fifty years, residing within twenty miles of Black Mingo Ferry, (who use Black Mingo Creek to send their crops to market,) to work on and lay open the navigation of Black Mingo Creek, from its confluence with Black Mingo River to Black Mingo Bridge; and for appointing Commissioners for carrying the same into execution. No. 1485.

(Passed Jan. 20, 1790. See last volume.)

AN ACT FOR CEDING TO AND VESTING IN THE UNITED STATES THE LIGHT HOUSE ON MIDDLE BAY ISLAND, WITHIN THE BAR OF CHARLESTON HARBOUR. No. 1486.

WHEREAS, in and by an Act entitled "An Act for the establishment and support of light houses, beacons, buoys and public piers," passed

A. D. 1790.

Preamble.

the seventh day of August, Anno Domini one thousand seven hundred eighty nine, it was enacted by the Senate and House of Representatives of the United States in Congress assembled, that all expenses which should accrue from and after the fifteenth day of August aforesaid, in the necessary support, maintenance and repairs of all light houses, beacons, buoys and public piers, erected, placed or sunk, before the passing of the said Act, at the entrance of or within any bay, inlet, harbour or port of the United States, should be defrayed out of the treasury of the United States, upon the proviso that none of the said expenses should continue to be so defrayed by the United States after the expiration of one year from the day last aforesaid, unless such light houses, beacons, buoys and public piers should be in the mean time ceded to and vested in the United States, by the State or States respectively in which the same may be, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same: And whereas, it is expedient to cede to and vest in the United States, for the purposes and upon the terms following, the light house situate on Middle Bay Island, within the bar of Charleston harbour, bounded to the north by a small inlet passing between the said island and Morris's Island, to the south by an inlet called the Folly inlet, to the east by the Atlantic ocean, and to the west by a sound or creek passing between the said Middle Bay Island and the other island aforesaid, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same;

Light house,
&c. ceded to
the U. States.

Proviso.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said light house, with the lands and tenements thereunto belonging or appertaining, together with the jurisdiction of the same, as far as the same shall be incident and essential for the erection of forts, magazines, arsenals, dock yards, and other needful buildings, and the appointment of officers, and general regulation of the said light house, forts, magazines, arsenals and dock yards, from and after the passing of this Act shall be, and is hereby, ceded to, vested in and assured unto the United States, absolutely, and as of their demesne, in fee simple, in as full, ample and effectual manner as the premises could be granted, aliened, transferred, conveyed and confirmed by any deed or devise in due form of law; upon the special proviso and condition, nevertheless, that the said United States shall sufficiently support, maintain, and keep in good repair, and rebuild when necessary, the said light house, from time to time and at all times hereafter; and shall also erect or cause to be erected proper leading marks to and for or as appending to the said light house, and cause buoys to be stationed in fit places for the further and better facilitating and securing the navigation; and that all expenses which may have accrued since the said fifteenth day of August aforesaid, or which shall accrue in, for, and about the said light house, or the leading marks and buoys abovementioned, shall be defrayed out of the treasury of the United States.

Further proviso.

II. And whereas, divers expenses, already incurred on account of the said light house, yet remain unpaid and unsatisfied: and whereas, the fund for defraying of the same, that is to say, the tonnage imposed on shipping, is yielded to the United States: *Be it enacted* by the authority aforesaid, That the above cession and transfer of the said light house, with the appurtenances, is made liable to the further condition and proviso that the said expenses, as far as the same may be sup-

ported by proper vouchers, shall also be defrayed out of the treasury of the United States. A. D. 1790.

In the Senate House, the twentieth day of January, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT FOR RAISING SUPPLIES FOR THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY. No. 1487.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner herein mentioned, should be assessed, raised, and paid into the public treasury of this State for the use and service thereof;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and the honorable the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sum of eight shillings and nine pence per cent. ad valorem on every hundred pounds, to be paid in specie or paper medium, shall be, and is hereby, imposed on all lands granted within this State, and in the manner and under the several regulations hereinafter set forth and expressed, that is to say: No. 1. All tide swamp not generally affected by the salts or freshes, of the first quality, shall be rated at six pounds per acre; of the second quality, four pounds per acre; of the third quality, two pounds per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, at ten shillings per acre; all prime inland swamp, cultivated and uncultivated, at an average of three pounds per acre; second quality, ditto, two pounds per acre; third quality, ditto, one pound per acre; pine barren lands, adjoining or contiguous thereto, at five shillings per acre; salt marsh or inland swamp, clearly proved to the assessors to be incapable of immediate cultivation, five shillings per acre. 2. High river swamp, or low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill, on Savannah river, the fork of Broad and Saluda rivers, on the Congarees, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality at three pounds per acre; the second quality at two pounds per acre; the third quality one pound per acre; except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, which shall be assessed at five shillings per acre. 3. All high river swamp, or low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, fifteen shillings per acre. 4. All high lands without the limits of St. Philip's and St. Michael's parishes, on John's island, James island, and on the main, within twenty miles of Charleston, at one pound per acre. 5. All lands on the Sea islands, Slann's island included, or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn or indigo, and not within the limits prescribed in class number four, one pound per acre. 6. All oak and hickory high lands lying below

Rate of taxation on lands.

A. D. 1799.

Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, or the boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers four and five, at fifteen shillings per acre. 7. All pine barren lands not included in classes number one, four, and five, to be assessed at one shilling per acre. 8. All oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality, eight shillings per acre; the second quality, five shillings per acre; the third quality, two shillings per acre. 9. All oak and hickory high lands above the old Indian boundary line, the first quality, six shillings per acre; the second quality, three shillings per acre; the third quality, one shilling per acre. That all lands within the parishes of St. Philip and St. Michael shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to the lands in the country. That the sum of two shillings and eleven pence per head shall be levied on all slaves; two shillings and eleven pence per head on all free negroes, mulattoes, and mustizoes, between the age of sixteen and fifty years; two shillings and eleven pence on every wheel of all carriages; carts, wagons, and drays excepted; and eight shillings and nine pence on every one hundred pounds value of all lands, lots and buildings within any city, village, or borough, and on every hundred pounds stock in trade, factories, employments, faculties and professions, (clergymen, mechanics, schoolmasters and schoolmistresses excepted — to be ascertained and rated by the several assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in specie, or paper medium of this State.

Rate of taxing
slaves, &c.

Slaves employ-
ed on Indian
lands.

II. *And be it further enacted* by the authority aforesaid, That all negro or other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax.

Compensation
of enquirers,
assessors, &c.

III. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors, appointed by law, shall, for their services in the discharge of their duties, receive, on closing their accounts with the commissioners of the treasury, four per centum, except for the parishes of St. Philip and St. Michael, who shall receive two per centum, on the amount of the taxes by them collected, to be allowed and paid to the several collectors aforesaid.

Returns of
former taxes
to be made.

IV. *And be it further enacted* by the authority aforesaid, That no member of the Legislature, while he continues such, shall be a tax collector.

V. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors shall begin their enquiry on the first day of October next; and that where all the collectors that were appointed for any parish or county are dead, and the tax returns not closed with the commissioners of the treasury, the collector who shall be thereafter appointed is hereby directed and ordered to demand receipts or to administer an oath, or to procure other satisfactory proofs from the persons of the county or parish, that he or they had paid their taxes for the preceding years, in order to discover the taxes still due, and to enable the public to ascertain what sums of money are due by the estates of the deceased collectors; and should the executor or administrator of the deceased collectors refuse to produce the accounts of the deceased, or give information on the subject, the commissioners of the treasury are hereby ordered to put the law in force against the estates of the deceased collectors.

Duty of the
assessors and
collectors.

VI. *And be it further enacted* by the authority aforesaid, That the said assessors and collectors appointed by law shall do and perform all and singular the duties appertaining to their office, as described in an Act

entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein." A. D. 1790.

VII. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury are hereby directed to furnish copies of this Act to each of the assessors and collectors appointed by law, throughout this State, within three months after the passing of this Act, and their reasonable expenses incurred thereby shall be reimbursed. Treasurers to furnish copies of this Act.

VIII. *And be it further enacted* by the authority aforesaid, That all persons any wise liable to pay the taxes hereby imposed, shall pay in their taxes to the assessors and collectors by law appointed to receive the same, on or before the first day of February, one thousand seven hundred and ninety-one; and that the said assessors and collectors shall pay in the same, and settle their accounts with the treasury, on or before the first day of April, one thousand seven hundred and ninety-one; any law, usage or custom to the contrary thereof in any wise notwithstanding. Time of payment of taxes.

IX. *And be it further enacted* by the authority aforesaid, That an Act entitled "An Act to encourage the destroying beasts of prey," passed the eleventh day of March, one thousand seven hundred and eighty-six, be, and the same is hereby, repealed. Bounty Act repealed.

ESTIMATE

Of supplies wanted for the support of Government, for the year one thousand seven hundred and ninety.

His Excellency the Governor's salary, - - - - -	£900 00 00
That for the present year it is only necessary to provide for two Judges of the General Sessions and Common Pleas, £500 each, as one of the Judges is absent in the Congress of the United States, - - - - -	1000 00 00
Attorney General, - - - - -	200 00 00
Secretary to the Governor and Clerk to the Privy Council, - - - - -	150 00 00
Auditor of public accounts, - - - - -	373 00 00
His clerk, - - - - -	140 00 00
Two Commissioners of the Treasury, - - - - -	571 08 08
Their clerks, - - - - -	400 00 00
Clerk of the Senate, - - - - -	287 00 00
Clerk of the House of Representatives, - - - - -	287 00 00
Two messengers, one to each house, at £70 each, - - - - -	140 00 00
Two doorkeepers, ditto, at fifty pounds each, - - - - -	100 00 00
Powder Inspector and Arsenal keeper, - - - - -	100 00 00
Two Judges of the Court of Chancery, each £500, - - - - -	1000 00 00

INCIDENTAL CHARGES, VIZ.

Contingent fund, to be subject to the Governor's drafts, - - - - -	1000 00 00
For the transient poor, - - - - -	1000 00 00
Pensions, Annuities, and arrears of Annuities, - - - - -	4000 00 00
Printer's bill, - - - - -	300 00 00
Maintenance of the post at Fort Johnston, (until Congress assume the maintenance thereof,) at the rate of £260 per annum, - - - - -	260 00 00
Court House at Camden, - - - - -	700 00 00
Gaol at Ninety-Six, and a wall round the same, - - - - -	1200 00 00
Repairs of Gaol and for building a wall round the same at Camden, and to build out houses, - - - - -	300 00 00
For repairs of Gaol of Orangeburgh district, at Orangeburgh, and to build a wall round the same, - - - - -	300 00 00

A. D. 1790.	To the commissioners for erecting the public buildings at Columbia, to procure a proper person to take care of the said buildings.	30 00 00
	For building a brick Gaol for Beaufort district, at Coosawhatchie, and a wall round the same.	800 00 00
	Contingent fund for payment of the Resolutions of the Legislature.	4000 00 00
	Expenses of the Convention to assemble at Columbia, in May next,	5000 00 00

In the Senate House, Wednesday, the twentieth day of January, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the United States of America.

D. DESAUSSURE, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1488. AN ACT FOR ESTABLISHING THE ANNUAL SALARIES OF THE PUBLIC OFFICERS OF GOVERNMENT: AND FOR ASCERTAINING AND REGULATING THE FEES TO BE TAKEN BY THOSE WHO BY LAW MAY BE ENTITLED TO THEM, THROUGHOUT THE STATE.

Preamble. WHEREAS, it is expedient and necessary that the salaries of the public officers of government should be fixed upon a regular and permanent footing, during their continuance in office, and that the fees to be received and taken in the public offices, and by those who by law shall be entitled to the same, may be regulated and ascertained, to the end the citizens thereof may know with certainty the sums they are to pay, and the services to be performed for such payment:

Salaries of public officers. 1. *Be it therefore enacted,* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the fifth day of April next, the annual salaries hereinafter specified and enumerated, and no other, shall be paid, taken and received by the public officers of government hereinafter mentioned, in lieu of all other sum and sums of money whatever; any law, usage or custom to the contrary thereof in any manner notwithstanding.

SALARIES.

The Governor, nine hundred pounds,	£900 00 00
Secretary to the Governor, one hundred pounds,	100 00 00
Chief Justice, to do equal duty with the associate judges, eight hundred pounds,	800 00 00
Four associate judges, six hundred pounds each,	600 each.
Three Judges of the Court of Equity, five hundred pounds each,	500 "
Attorney General, in lieu of all charges against the public, where persons accused of offences shall be found guilty and shall swear off, or where they shall be acquitted; and for giving advice to the Governor, in matters of public concern,	200 00 00
Two Solicitor Generals, one for the northern circuit and one for the southern circuit, in lieu of all charges against the public, where persons accused of offences shall be found guilty and shall swear off, or where they shall be acquitted, in their respective circuits; for giving advice to the Governor in matters of public concern; and for attending the Legislature at their sitting, in order to draw and engross all such bills and ordinances as they shall be directed to do by either branch of the Legislature, one hundred and fifty pounds each,	150 each.
Two Commissioners of the Treasury, four hundred pounds each,	400 "

Clerk of the Senate and Clerk of the House of Representatives, for four years,	-	-	£287 each.	A. D. 1791.
two hundred and eighty-seven pounds each per annum,	-	-		
Two Messengers, one for each House, for four years, seventy pounds each,	-	-	70 "	
Two Doorkeepers, one for each House, for four years, fifty pounds each,	-	-	50 "	
Housekeeper of the State House, thirty pounds,	-	-	30 00 00	
Powder Inspector and Arsenal Keeper one hundred pounds,	-	-	100 00 00	

II. *And be it further enacted* by the authority aforesaid, That the several and respective fees hereinbefore mentioned, and no other, shall be paid, received and taken in the respective public offices in this State, and by those entitled to fees throughout the same, for the different services in the respective suits in this Act specified and contained, in lieu of all other demands whatever for said services; any law, usage or custom to the contrary thereof in any wise notwithstanding.

TABLE OF FEES.
SECRETARY OF STATE HIS FEES.

For every Search, eight pence sterling,	-	-	-	£ 00 05
For a commission for a place of profit, fifteen shillings,	-	-	-	15 00
For entering satisfaction on a Mortgage, one shilling,	-	-	-	1 00
For recording a mark or brand, one shilling,	-	-	-	1 00
For recording or copying any writing, for every copy-sheet containing ninety words, five pence,	-	-	-	05
For drawing a Proclamation, and copy to the printer, to be paid by the State, five shillings,	-	-	-	5 00
For a Militia Commission, to be paid by the State, four shillings,	-	-	-	4 00
For a Pardon or Reprieve, with the great seal, and-recording, to be paid by the State, five shillings,	-	-	-	5 00
For attending the courts of justice, with records, three shillings,	-	-	-	3 00
For finding the wax and appending the great seal to Laws, to be paid by the State, for each law, two shillings,	-	-	-	2 00
For a general commission of the peace for any county or district, to be paid by the State, ten shillings,	-	-	-	10 00
For a separate commission of the peace, to be paid by the State, two shillings and six pence,	-	-	-	2 06
For making out a Grant of Lands, recording and fixing great seal, ten shillings,	-	-	-	10 00
For a testimonial, with the great seal, five shillings,	-	-	-	5 00
For registering the certificate of a person becoming a citizen, five shillings,	-	-	-	5 00

MASTER AND COMMISSIONERS IN EQUITY, THEIR FEES.

For every summons, one shilling and nine pence,	-	-	-	1 09
For every copy of a charge or discharge, one shilling,	-	-	-	1 00
Taking every affidavit in writing, one shilling and six pence,	-	-	-	1 06
Every oath administered, six pence,	-	-	-	06
Taking every Recognizance, two shillings,	-	-	-	2 00
For every day's attendance in court, on any cause, three shillings and six pence,	-	-	-	3 06
Taking the oaths for every defendant, to an answer out of office, and attendance, five shillings,	-	-	-	5 00
Every attendance in office on summons of either party, or their solicitors, three shillings and six pence,	-	-	-	3 06
Hearing and determining any contested matter, and order thereon, five shillings,	-	-	-	5 00
Making up and returning every Report into court, but only one Report to be charged in each suit, fourteen shillings,	-	-	-	14 00
Commissions on sales under decrees of the court, three per cent. for the first hundred, and one per cent. on all sums above.	-	-	-	
Drawing each set of Conveyances, one pound five shillings,	-	-	-	1 05 00

REGISTER AND COMMISSIONERS IN EQUITY, THEIR FEES.

For affixing the seal of the court to Subpoena or other writ, and signing the same,	-	-	-	
two shillings and six pence,	-	-	-	2 06

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For affidavit of service of Subpoena, or other writ, two shillings and six pence, -	2 06
For examining every witness, drawing depositions, exemplification of proceedings in any cause, if required, containing minutes of a decree, all orders of court, or for copies thereof, per copy sheet of ninety words, five pence, -	05
For every Search, eight pence, -	08
For entering every cause for hearing, one shilling, -	1 00
For attending court on each cause, three shillings and six pence, -	3 06
Reading all papers in a suit, two shillings, -	2 00
Examining decree, affixing seal thereto, and attending the Judges in court to sign certificates of examination, four shillings, -	4 00
Notification to insert in Gazette, by order of court, and attendance on printer, one shilling and six pence, -	1 06
For affixing every seal and setting every commission to take answers and examine witnesses, or for other purposes, two shillings and six pence, -	2 06

SOLICITORS' FEES IN EQUITY.

Complainant's Solicitor :

Preparing and filing a Bill in Equity, with all necessary exhibits, seven pounds, -	£7 00 00
Drawing interrogatories in chief for complainant's witnesses, and cross interrogatories, drawing and engrossing commissions, and attending to strike commissioners, when necessary, with proper instructions, three pounds ten shillings, -	3 10 00
Arguing exceptions on points of law before the Master or Judge, at chambers, when necessary, and attending thereon, including all charges incidental thereto, two pounds, -	2 00 00
For all other services in the cause, including briefs served on Judges, except the decree, three pounds, -	3 00 00
Drawing and engrossing decree, per copy sheet, five pence, -	05

Defendant's Solicitor :

For preparing and filing Defendant's answer, and all necessary exhibits, seven pounds, -	7 00 00
Drawing interrogatories in chief for defendant's witnesses, drawing and engrossing cross interrogatories, commissions, attending to strike commissioners, when necessary, with instructions, three pounds ten shillings, -	3 10 00
Arguing exceptions on points of law before the Master or Judge, at chambers, when necessary, including notices, attendance, and all incidental charges relative thereto, two pounds, -	2 00 00
For all other services in the cause, including serving Judges with briefs, except the decree, three pounds, -	3 00 00
Drawing and engrossing decree, per copy sheet, five pence, -	05

ATTORNEYS IN THE SUPERIOR COURTS OF LAW.

Plaintiff's Attorney :

For filling up writ, signing, attendance to lodge the same with sheriff, in cases where no bail is required, and all incidental charges, when settled before declaration filed, one pound, -	£1 00 00
For every extra copy of a writ and notice, one shilling and six pence, -	1 06
For all subsequent proceedings whatever, from the filing of the declaration or obtaining interlocutory judgment inclusive, where no bail is required, one pound five shillings, -	1 05 00
In all cases where special bail is required, seven shillings, -	7 00
For all proceedings subsequent to the former, including final judgment and verdict, fifteen shillings, -	15 00
For all other services whatever, including the whole proceedings, to the issuing of execution inclusive, seven shillings, -	7 00
For all exhibits, in cases of covenant, per copy sheet of ninety words, five pence, -	05
Twelve Jury, in a cause tried, five shillings, -	05 00

ATTORNEYS' FEES IN EXTRAORDINARY CASES.

For every demurrer, plea, and argument, on a point of law, one pound five shillings, -	£1 05 00
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For every motion for new trial, or for arrest in judgment, or special matter and argument, one pound five shillings, - - - - -	£1 05 00
For every renewal of writ or execution, five shillings, - - - - -	5 00
For filling up every writ of subpoena, and four tickets inclusive, five shillings, - - - - -	5 00
Every rule to show cause in arrest of judgment, copy and notice, and motion for trial, seven shillings, - - - - -	7 00
Preparing every commission to examine witnesses, when necessary, attending to strike commissioners, drawing interrogatories in chief, and cross interrogatories and instructions, two pounds, - - - - -	2 00 00
To each material witness attending the court, residing in the cities, or towns, or villages where the courts are held, per day, two shillings and four pence, - - - - -	2 04
Each witness from the country, including horse hire, per day, four shillings and eight pence, - - - - -	4 08
All witnesses to be allowed their ferriage and toll.	
For commencing and prosecuting and defending a suit by summary process, one pound, - - - - -	1 00 00
In all cases of Dower or Partition :	
All fees from the commencement to the end of the proceedings, all services inclusive, five pounds, - - - - -	5 00 00
Surveyor's fees extra.	

On Writs of Attachment :

In addition to common costs on bond, note or account, except printer's bill, three pounds, - - - - -	3 00 00
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DEFENDANT'S ATTORNEY.

For appearance, filing bail and imparlance, one pound, - - - - -	1 00 00
Drawing and filing plea or demurrer, or other proceedings, previous to joinder in demurrer, or issue taken, seventeen shillings and six pence, - - - - -	17 06
Verdict in cases for defendant, postea, bill of costs, and allowing taxation, copy and notice, including all charges, ten shillings, - - - - -	10 00
For drawing commissions to examine witnesses, drawing interrogatories, attending to strike commissioners and instructions, all incidental charges inclusive, two pounds, - - - - -	2 00 00
Copies of all exhibits necessary to be filed by defendant, per copy sheet, five pence, - - - - -	05

ATTORNEYS IN THE COUNTY COURTS.

For commencing and prosecuting and defending a suit in the County Court, one pound, - - - - -	1 00 00
For defending a person charged by indictment or information, or sued on a forfeited recognizance, one pound, - - - - -	1 00 00
For commencing and prosecuting and defending a summons and petition, under the summary jurisdiction, twelve shillings and six pence, - - - - -	12 06
For stating objections and bringing up an appeal, all charges inclusive, fourteen shillings, - - - - -	14 00

CLERKS OF THE SUPREME COURTS OF LAW.

For attending to sign a Writ, and affixing seal, one shilling, - - - - -	1 00
For filing a declaration, plea, replication, demurrer, joinder in demurrer, or other pleading, nine pence, - - - - -	09
For copying a declaration or other writing, per copy sheet, five pence, - - - - -	05
For entering every special order of court, or copy, six pence, - - - - -	06
Every search in the records, where the cause is ended, eight pence, - - - - -	08
Signing every judgment, two shillings, - - - - -	2 00
Attending drawing a jury for special court, three shillings and six pence, - - - - -	3 06

CLERKS OF THE SPECIAL COURTS OF LAW.

Each day's attendance at a special court, three shillings and six pence, - - - - -	3 06
Drawing a bail piece, attending and taking bail, two shillings, - - - - -	2 00
For recording every judgment or other writing, for every copy sheet, five pence, - - - - -	05
For every Recognizance, two shillings, - - - - -	2 00

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For receiving money in court and paying it again, one per cent	
For his attendance in every cause tried in court, swearing jury, and reading papers, and docketing the same, two shillings,	2 00
For swearing every witness, six pence,	06
For every certificate, and signing, six pence,	06
For administering every oath, six pence,	06
For recording a verdict, six pence,	06
For attending at the Judges chambers, on a special argument, two shillings,	2 00
For making out a charter for the admission of an Attorney, administering the oath, and recording and filing same, one pound ten shillings,	1 10 00
For recording or copying part of book, and copy, two shillings and four pence,	2 04
For issuing a Certiorari, or other special writ, and sealing, three shillings and six pence,	3 06
For a Dedimus potestatum, and sealing, two shillings,	2 00
For filing and entering return thereof, one shilling,	1 00
For entering a decree on summary process and execution, two shillings,	2 00
For recording the brand and mark of a stock of cattle, one shilling and six pence,	1 06

ATTORNEY GENERAL.

On papers returned and no indictment given out, and noli prosequi entered, one pound five shillings,	1 05 00
Where an indictment is found, two pounds,	2 00 00
Upon bill of indictment found, and trial before petit jury, and verdict or confession, three pounds ten shillings,	3 10 00

CLERK OF THE SESSIONS AND PEACE.

On a Noli Prosequi, seven shillings,	7 00
Where a bill is found or thrown out, fifteen shillings,	15 00
Upon bill found, and trial before petit jury, and verdict, one pound,	1 00 00
On each writ of venire, for summoning jurors, one shilling and six pence,	1 06
On each writ of habeas corpus, or bench warrant, seven shillings,	7 00
Each writ of subpoena and tickets, two shillings,	2 00
For every order of bastardy, taking a recognizance, and all other proceedings, two shillings and six pence,	2 06
On each order for restitution of goods, one shilling and two pence,	1 02
For each certificate to the Coroner, eight pence,	08
For the whole fee of a tavern licence and bond, nine shillings and four pence,	9 04

SHERIFFS.

For serving every writ or summons, or other process, taking bail, returning and proving service, and assigning bail bond, seven shillings,	7 00
For copy left at the defendant's residence, or, where he cannot be personally arrested, returning and proving service, five shillings,	5 00
For mileage, from the court house of the districts respectively to the defendant's residence, or where he shall be found or taken, (but not for returning,) each mile, three pence,	03
For commitment and releasement of any prisoner, two shillings and six pence,	2 06
For summoning all juries, to the sheriff of each district court, fifteen pounds per annum, to be paid by the State.	
To the sheriff of each county, for summoning all juries in his county, and for serving all public orders for the benefit of the county, five pounds per annum, to be paid by the county.	
For serving any order or rule of court except public orders or rules, and delivering copy, two shillings,	2 00
For serving every writ of subpoena, and tickets, and returning the same, two shillings,	2 00
For serving a bench warrant, or warrant of a justice of peace, and return thereof, and proving service, in same manner as on services of writ, four shillings,	4 00
For every return of a writ, where the goods or persons are not to be found, two shillings,	2 00

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For dieting white persons in the several gaols and workhouses in the State, allowing one pound of bread and one pound of flesh, wholesome provisions, per day, one shilling,	1 00
For dieting negroes or other slaves, allowing wholesome food, per day, eight pence,	08
For executing a person condemned to death, to be paid by the State, one pound,	£1 00 00
For putting a person in the stocks, branding, pilloring, whipping, or cropping, to be paid by the State, each five shillings,	5 00
For bringing up a prisoner on habeas corpus, and discharging or conveying to prison, to be paid by the party if solvent, and if insolvent then by the State, five shillings,	5 00
For conveying a prisoner, on habeas corpus or otherwise, from one district or county gaol to another, every mile he shall necessarily ride, going to or returning, for each mile three pence.	03
All necessary expenses to be allowed the sheriff, in addition to the immediate foregoing charge.	
For levying an execution on the goods of the defendant, and selling the same, for all sums where the debt does not exceed one hundred pounds, two and a half per cent. commissions; and for all sums where the debt exceeds one hundred pounds, one per cent.; in all cases where the defendant, after the sheriff may have levied on the property, shall settle with the plaintiff before actual sale, the sheriff in such cases shall only be entitled to one fourth per cent., besides all reasonable disbursements, and also fees for entering execution; but if the defendant shall pay the money to the sheriff, one per cent. in lieu of the one fourth.	
Where an execution shall be lodged in the sheriff's office, only to bind the property, with directions not to levy, for entering the same in his books, two shillings and six pence,	2 06
For serving an execution against the body of defendant, and return, 7 shillings,	7 00
For every prisoner brought up for trial at the Sessions, to be paid by the State, one shilling and six pence,	1 06
For drawing each set of conveyances, one pound five shillings,	1 05 00

CORONER.

For an inquisition by jury, taken on view of a dead person, and return, to be paid by the State, two pounds,	2 00 00
For every service done by the Coroner, the same fees as are payable to the sheriff for the same services.	
If there be no Coroner within twenty miles of the body found, the inquest may be made, and the fee may be taken by any justice of the peace, in like manner, who shall in that case have all the power of the coroner.	

JUSTICE OF THE PEACE.

For oath and warrant in all criminal cases, two shillings,	2 00
For a Recognizance, and return, two shillings,	2 00
For a Warrant in civil cases, one shilling,	1 00
For a Commitment, one shilling,	1 00
For a Warrant of Hue and Cry, one shilling and six pence,	1 06
For taking a Deposition, one shilling and six pence,	1 06
For administering every oath, six pence,	06
For a probate to any writing, signing, and swearing witness, one shilling and six pence	1 06
For examining and swearing witnesses, and hearing and determining the cause, one shilling,	1 00
For every toll of estrays, given in at the same time, and other incidental charges, agreeable to law, three shillings,	3 00
For writing and signing an execution, one shilling and two pence,	1 00
For issuing attachment, with the oath of the party, bond, and return, agreeable to law, five shillings,	5 00
For every appeal, with the proceedings, to the county courts, from Justices, judgment, bond and security inclusive, three shillings,	3 00

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CONSTABLES

For serving a warrant, two shillings and six pence,	2 06
For summoning a witness, one shilling,	0 00
For summoning a coroner's jury and witnesses, all charges inclusive, ten shillings,	10 00
For putting a person in the stocks, to be paid by the State, two shillings and six pence,	2 06
For serving an attachment on the effects of a person absconding, or about to abscond, making an inventory and return, returnable to the county court, four shillings and eight pence,	4 08
For the like services where the attachment is returnable before a magistrate, two shillings and four pence,	2 04
For whipping a person, by lawful authority, to be paid by the State, two shillings and six pence,	2 06
For levying an execution, one shilling,	1 00
For Poundage, or commissions on all sums levied, five per cent.	
For mileage, in all criminal cases, attachments, and levying executions, and in no other case, for each mile out, (but not for returning,) three pence,	03
For carrying a Hue and Cry, to be paid by the State, eight shillings,	8 00
For his attendance in searching for stolen goods, for every day, at the request of the party complaining, three shillings,	3 00

NOTARIES OF PUBLIC

For taking deposition and swearing witness, per copy sheet, six pence,	00 06
For every protest, ten shillings,	10 00
For a duplicate of depositions, protest and certificate, per copy sheet, five pence,	00 05
For each attendance on any person to prove any matter or thing, and certifying the same, three shillings,	03 00
For every notarial certificate with seal affixed, two shillings and six pence,	02 06

CLERGY OF EVERY SETTLED CHURCH OF EVERY DENOMINATION.

For registering every birth, marriage, or burial, one shilling and six pence,	01 06
For every search of the Register, eight pence,	00 08
For every certificate from the Register, one shilling and six pence,	01 06
For every citation read in church, five shillings,	05 00

SURVEYOR GENERAL

For every search, eight pence,	00 08
For copying plat and certificate, five shillings,	05 00
For receiving, recording a plat, and sending the same to the secretary's office to be passed into a grant, ten shillings,	10 00
For a certificate in all other cases, one shilling and six pence,	01 06
For a deputation and instructions to a deputy surveyor, five shillings,	05 00

DEPUTY SURVEYOR.

For surveying every acre of land, one-half penny.	
For making out a fair plat, certifying, signing, and returning the same, ten shillings,	10 00
For running old lines for any person, or between parties where any dispute arises, or by order of court, while they are on the survey, fourteen shillings per day,	14 00

POWDER RECEIVER AND INSPECTOR.

For every hundred weight of gunpowder received into the magazine, three shillings per hundred, to be paid, one-half on receiving the same in the magazine, the other half on delivering the same.	
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CLERK OF THE SENATE AND HOUSE OF REPRESENTATIVES.

For any copy or extract from the journals of either House, to any person requiring the same, (except a member of either branch of the Legislature or the Executive,) each copy sheet, five pence,	00 05
For every search,	00 08

COMMISSIONER OF LOCATIONS.

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For receiving applications, making entries, and granting warrants under hand and seal of office, three shillings, - - - - -	03 00
For every search, eight pence, - - - - -	00 08
For recording a plat and sending it to the surveyor general's office, seven shillings, - - - - -	07 00

REGISTER OF MESNE CONVEYANCES.

For a search, eight pence, - - - - -	00 08
For entering satisfaction on a mortgage, one shilling, - - - - -	01 00
For recording or copying deeds, each copy sheet, five pence, - - - - -	00 05
For recording or copying a plat, four shillings and eight pence, - - - - -	04 08
For a certificate from the office, two shillings, - - - - -	00 02

ORDINARY—HIS FEES.

For a marriage license, bond and registering, one pound, - - - - -	1 00 00
For a citation and recording, two shillings and sixpence, - - - - -	02 06
For qualifying administrators' bond, letters of administration, and warrant of appraisal, recording letters and oath, fourteen shillings, - - - - -	14 00
For proving a will, probate, recording and filing the will, and certified copy, where it does not exceed four copy sheets, nine shillings and four pence, and for every other copy sheet, five pence.	
For qualifying executors, letters testamentary, and recording, five shillings, - - - - -	05 00
For warrant of appraisal, oath and recording, five shillings; and if renewed, two shillings and six pence.	
For filing renunciation of executors and recording, two shillings, - - - - -	02 00
For a dedimus to prove a will and qualify executors or administrators, and copy of oath, seven shillings, - - - - -	07 00
For guardianship bond, letters and recording, fourteen shillings, - - - - -	14 00
For entering caveat, or withdrawing, two shillings, - - - - -	02 00
For a search, eight pence, - - - - -	00 08
For hearing a litigated cause, fourteen shillings, - - - - -	14 00
For swearing and examining each witness, six pence, - - - - -	00 06
For recording or copying any other writing, per copy sheet, five pence, - - - - -	00 05
For filing petition for sale of testators' or intestates' effects, examining into the propriety of the proposed sales, and endorsing order thereon, four shillings and eight pence, - - - - -	04 08
For examining the accounts of executors and administrators' vouchers, and filing, for the first year's account, fourteen shillings; and for every other year, five shillings.	

COUNTY ATTORNEY.

For commencing and prosecuting an indictment, or information tried by the petit jury, or confessed, one pound, - - - - -	1 00 00
For entering a nolle prosequi by order of court, five shillings, - - - - -	05 00
For commencing and prosecuting a scire facias, on forfeited recognizances, nine shillings and four pence, - - - - -	09 04

COUNTY COURT CLERKS' FEES.

For the whole fee of a tavern license or permit, to retail spirituous liquors, and bond and furnishing rates, nine shillings and four pence, - - - - -	09 04
For every search, eight pence, - - - - -	00 08
For reading any paper or record filed in court, six pence, - - - - -	00 06
For every writ issued, two shillings, - - - - -	02 00
For an attachment granted by the justice of peace, returnable to the court, and putting the same upon the docket, one shilling and six pence, - - - - -	01 06
For every summons for a witness or witnesses, one shilling, - - - - -	01 00
For entering every cause on the docket to be charged but once, (except petition summons,) six pence, - - - - -	00 06
For entering every special bail, two shillings, - - - - -	02 00

A. D. 1791.	For entering security for costs for persons out of the county, one shilling and six pence,	01 06
	For entering appearance of the defendant or defendants, except on summons and petition, six pence,	00 06
	For all subsequent proceedings after writ to interlocutory judgment, inclusive, one shilling,	01 00
	For all other proceedings, to final judgment and verdict, three shillings and six pence,	03 06
	For all other proceedings, execution inclusive, two shillings,	02 00
	For filing the papers of each party in every cause where there is a jury or case agreed, one shilling,	01 00
	For all and every other thing done by the clerk during the trial of any issue, two shillings,	02 00
	For entering every judgment and copy thereof, one shilling,	01 00
	For every recognizance, two shillings,	02 00
	For entering an appeal and taking bond, and for returning the same to the office of the clerk of the superior court, four shillings and eight pence,	04 08
	For copy of proceedings of the cause wherein the appeal is granted, for every copy sheet, five pence,	00 05
	For an attachment, one shilling and six pence,	01 06
	For issuing petition and summons, and entering return thereof, three shillings	03 00
	For entering decree and execution on summary process, three shillings and six pence,	03 06
	For recording every judgment or other writing, per copy sheet, or copy thereof, five pence,	00 05
	For entering every toll of estrays, and keeping the same affixed up at the court-house, and all other incidental charges, three shillings	03 00

THE FEES ON LETTERS OF ADMINISTRATION GRANTED BY THE COUNTY COURT.

For a citation, one shilling and six pence,	01 06
For each administration bond, one shilling,	01 00
For letters of appraisement, one shilling,	01 00
For a dedimus, one shilling,	01 00
For probate of a will, one shilling,	01 00
For granting letters testamentary with the will annexed, one shilling and six pence,	01 06
For recording any of the above instruments, and the appraisement for copy sheet, five pence,	00 05
For examining the accounts of executors' and administrators' vouchers, and for filing the same under the inspection of the county court, for the first year's account, five shillings; and for every other year, two shillings and six pence.	

III. *And be it further enacted* by the authority aforesaid, That if any of the public officers of this State, or other person or persons entitled to fees by this Act, and in the foregoing lists, particularly mentioned, shall take or receive any further or other or greater fee or reward, for any of the services in the said foregoing lists respectively mentioned, or shall invent or contrive any other or further fee or reward for any of the said services, then, and in every such case, the person or persons so offending, upon due proof and conviction, shall forfeit for the first offence, four times the amount of the sum so taken, paid, or received, to be recovered in any court of record in this State, one moiety to be paid to the person who shall sue for the same, and the other moiety to be paid into the public treasury for the use of the State, except in such counties where county courts are established, in which cases the said last mentioned moiety shall be paid for the use of the county; and for the second offence, shall stand divested of his office, and be rendered incapable of reappointment to the same.

Penalty on officers taking unlawful fees.

and on information from the court, under hand and seal, the Governor shall fill up the vacancy, if the Legislature should not be sitting, (and if in the county courts, the vacancy shall be filled up by the justices of the said county.)

A. D. 1791.

IV. *And be it further enacted* by the authority aforesaid, That the following officers, to wit, the secretary of the State, registers and commissioners in equity, registers of mesne conveyances, ordinaries, and surveyor general, shall, and are hereby directed to, keep their several offices open from nine o'clock in the morning until three o'clock in the afternoon, each and every day throughout the year, (Sundays, Christmas day, and the anniversary of the Independence of America excepted,) and the sheriffs and the clerks of all courts are hereby obliged to give constant attendance at their offices, either by themselves or deputies, in their several and respective offices, which said offices shall be kept in the city, town, or village where the respective court-houses are established; and no person shall be compellable to pay any of the aforesaid fees, unless at the time of the demand, or before distress of goods is made, an account thereof shall be delivered, signed by the officer to whom the same is due, specifying distinctly every article in words at length, with the particular fee charged for it, and shall give a receipt for the same, if required.

Office hours for certain officers.

V. *And be it further enacted* by the authority aforesaid, That the several clerks and registers of the courts of justice, and sheriffs, throughout the State, shall collect in and receive their own fees from the different suitors or persons who are liable to pay the same, in the said courts of justice respectively, except where the plaintiffs or complainants in any suit shall reside in foreign countries, or without the limits of this State, in which case the agents or attorneys of the said plaintiffs or complainants shall be answerable for the payment of said fees, except the clerks of the county courts, whose fees shall be collected as heretofore.

Officers of the court to collect their own fees.

VI. *And be it further enacted* by the authority aforesaid, That all former and other Acts for regulating or establishing salaries and fees throughout this State, or in the districts or counties thereof, and every of them, shall be, and the same are hereby, repealed; and this Act shall be held, deemed, and taken as and for a public Act, and taken notice of as such, without pleading the same, by all judges, justices, magistrates, and courts of justice, within this State.

Former acts repealed.

VII. *And be it further enacted* by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to any suit commenced or any duties of office done before the first day of March next.

VIII. *And be it further enacted* by the authority aforesaid, That this Act shall be and continue in force for the term of four years, and from thence to the end of the next meeting and sitting of the Legislature.

In the Senate House, the fourteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1791.

No. 1489. *AN ACT* FOR THE ABOLITION OF THE RIGHTS OF PRIMOGENITURE, AND FOR GIVING AN EQUITABLE DISTRIBUTION OF THE REAL ESTATES OF INTESTATES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, the Convention of this State, by the fifth section of the tenth article of the Constitution, passed the third day of June, in the year of our Lord one thousand seven hundred and ninety, did direct that the Legislature should, as soon as might be convenient, pass laws for the abolition of the rights of primogeniture, and for giving an equitable distribution of the real estates of intestates;

Right of primogeniture abolished.

1. Be it therefore enacted, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the right of primogeniture be, and the same is hereby, abolished; and that when any person possessed of, interested in, or entitled unto a real estate in his or her own right in fee simple, shall die without disposing thereof by will, the same shall be distributed in the following manner:

Distribution of property.

1st. If the intestate shall leave a widow and one or more children, the widow shall take one-third of the said estate, and the remainder shall be divided between the children, if more than one, but if only one, the remainder of the estate shall be vested in that one absolutely forever.

2d. The lineal descendants of the intestate shall represent their respective parents, and be entitled to receive and divide equally among them the shares to which their parents would respectively have been entitled, had they survived the ancestor.

3d. If the intestate shall not leave a child or other lineal descendant, but shall leave a widow and a father or mother, the widow shall be entitled to one moiety of the estate, and the father, or if he be dead, the mother, shall be entitled to the other moiety.

4th. If the intestate shall not leave a lineal descendant, father or mother, but shall leave a widow and brothers and sisters, or brother or sister, of the whole blood, the widow shall be entitled to one moiety of the estate, and the brothers and sisters, or brother or sister, to the other moiety, as tenants in common. The children of a deceased brother or sister shall take among them respectively the share which their respective ancestors would have been entitled to had they survived the intestate.

5th. If the intestate shall leave no lineal descendant, father, mother, brother or sister of the whole blood, but shall leave a widow, and a brother or sister of the half blood, and a child or children of a brother or sister of the whole blood, the widow shall take one moiety of the estate, and the other moiety shall be equally divided between the brothers and sisters of the half blood, and the children of the brothers and sisters of the whole blood. The children of every deceased brother or sister of the whole blood taking among them a share equal to the share of a brother or sister of the half blood. But if there be no brother or sister of the half blood, then a moiety of the estate shall descend to the child or children of the deceased brother or sister; and if there be no child of a deceased brother or sister of the whole blood, then the said moiety shall descend to the brothers and sisters of the half blood.

6th. If the intestate shall leave no lineal descendant, father, mother, brother or sister of the whole blood, or their children, or brother or sister of

the half blood, then the widow shall take one moiety, and the lineal ancestor or ancestors, if any there be, the other moiety.

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7th. If the intestate shall leave no lineal descendant, father, mother, brother or sister of the whole blood, or their children, or brother or sister of the half blood, or lineal ancestor, then the widow shall take two-thirds of the estate, and the remainder shall descend to the next of kin.

8th. If the intestate shall leave no widow, the provision made for her shall go as the rest of his estate is directed to be distributed in the respective clauses in which the widow is provided for.

9th. In reckoning the degrees of kindred, the computation shall begin with the intestate, and be continued up to the common ancestor, and thence down to the person claiming kindred, inclusively, each step inclusively being reckoned as one degree.

10th. On the death of any married woman, the husband shall be entitled to the same share of her real estate as is herein given to the widow out of the estate of the husband, and the remainder of her real estate shall be distributed among her descendants and relations in the same manner as is heretofore directed in case of the intestacy of a married man.

11th. If the intestate shall leave no husband, the provision herein made for him shall go as the rest of her estate is directed to be distributed in the preceding clauses.

II. *And be it further enacted* That in all cases of intestacy the personal estate of the intestate shall be distributed in the same manner as real estates are disposed of by this Act. Personal estate.

III. *And be it further enacted* by the authority aforesaid, That nothing herein contained shall be construed to give to any child or issue (or his or her legal representatives) of the intestate, a share of his or her ancestors estate where such child or issue shall have been advanced by the intestate in his lifetime, by portions or portion equal to the share which shall be allotted to the other children. But in case any child, or the issue of any child, who shall have been so advanced, shall not have received a portion equal to the share which shall be due to the other children, (the value of which portion being estimated at the death of the ancestor, but so as that neither the improvements of the real estate by such child or children, nor the increase of the personal property, shall be taken into the computation,) then so much of the estate of the intestate shall be distributed to such child or issue as shall make the estate of all the children to be equal. Property to be equally divided

IV. *And be it further enacted* by the authority aforesaid, That no lands or personal estate which shall be acquired by any person after the making of his or her will shall pass thereby, (unless the said will be republished,) but every such person shall be considered as having died intestate, as to the said lands and personal estate, and the same shall be distributable according to the directions of this Act. Property not mentioned in a will.

V. *And be it further enacted* by the authority aforesaid, That where any person shall be at the time of his or her death seized or possessed of any estate in joint tenancy, the same shall be adjudged to be severed by the death of the joint tenant, and shall be distributable as if the same was a tenancy in common. Disposing of a joint tenancy.

VI. *And be it further enacted* by the authority aforesaid, That in all cases where provision is made by this Act for the widow of a person dying intestate, the same shall, if accepted, be considered as in lieu of, and in bar of, dower. Widows of persons dying intestate.

VII. *And be it further enacted* by the authority aforesaid, That from and after the first day of May next, it shall and may be lawful to and for any person who may be entitled to a distributive share of any estate, real or

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Petition for
distribution of
property.

personal, and shall have arrived to the age of twenty-one years, or be married, to apply by petition to the court of equity or common pleas, at the option of the party, for a writ of partition, to be directed to certain commissioners, authorizing and requiring them to divide the said estate; and the court shall thereupon issue a writ of partition, in the same manner as is directed for the admeasurement of dower, by an Act entitled "An act for the more easy and expeditious obtaining the admeasurement of dower to widows, of the lands of which their deceased husbands were seized in fee at any time during their marriage;" and the commissioners so to be appointed, being first duly sworn fairly and impartially to discharge their duty, shall proceed to execute the said writ, and return the same to the court; and when the said estate cannot, in the opinion of the commissioners, be fairly and equally divided between the parties interested therein, without manifest injury to them, or some or one of them, then they shall make a special return of the whole property and the value thereof, truly appraised, and certify their opinion to the court whether it will be most for the benefit of all parties to deliver over to one or more of the parties interested therein the property which cannot be fairly divided, upon the payment of a sum of money to be assessed by the said commissioners, or to sell the same at public auction; and the court shall proceed to consider and determine the same, and if it shall appear to the court that it will be for the benefit of all parties interested in the said estate that the same should be vested in one person or more persons entitled to a portion of the same, on the payment of a sum of money, they shall determine accordingly; and the said person or persons, on the payment of the consideration money, shall be vested with the estate so adjudged to them, as fully and absolutely as the ancestor was vested. But if it shall appear to the court that it would be more for the interest of the parties that the same should be sold, then they shall direct a sale to be made, on such a credit and on such terms as to them shall seem right; and the property so sold shall stand pledged for the payment of the purchase money.

Judges to
make rules, &c.

VIII. *And be it further enacted* by the authority aforesaid, That the judges of the respective courts shall be, and they are hereby, authorized from time to time to make such rules and orders as may be necessary for the purpose of carrying the foregoing clause into effect.

IX. *And be it further enacted* by the authority aforesaid, That this Act shall commence its operation on the first day of May next, but not sooner.

In the Senate House, the nineteenth day of December, in the second year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1490.

AN ACT to establish a Court of Equity within this State.

(Passed February 19, 1791. See last volume.)

A. D. 1791.



AN ACT to amend the several Acts for establishing and regulating the Circuit Courts throughout this State. No. 1491.

(Passed February 19, 1791. *See last volume.*)

AN ACT to amend the several Acts for establishing County Courts; and for regulating and amending the proceedings therein; and for suspending the County Courts in the districts of Orangeburgh and Beaufort; and ascertaining the duties of justices of the peace throughout the State. No. 1492.

(Passed February 19, 1791. *See last volume.*)

AN ACT TO SUSPEND THE OPERATION OF THE LIMITATION ACT FOR THE TIME THEREIN MENTIONED. No. 1493.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the operation of an Act entitled "An Act for settling the titles of the inhabitants of this province to their possessions in their estates within the same, and for limitation of actions, and for avoiding suits at law," passed the twelfth day of December, in the year of our Lord one thousand seven hundred and twelve, shall be, and the same is hereby, suspended, so far as the same shall extend to actions of debt, detinue, covenant, and assumpsit, until the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and ninety-three. Acts suspended for a limited period.

II. *And be it further enacted* by the authority aforesaid, That no person who, on the twenty-sixth day of March next, would be barred by or for want of prosecution from the recovery of any lands or real estates, shall be barred on that day; but that every such person shall be barred on the first day of November, in the year of our Lord one thousand seven hundred and ninety-one. Barring the recovery of property.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A.D. 1791.

No. 1191. AN ACT FOR GRADUALLY CALLING IN AND SINKING THE PAPER MEDIUM ISSUED BY VIRTUE OF AN ACT ENTITLED "AN ACT TO ESTABLISH A MEDIUM OF CIRCULATION BY WAY OF LOAN, AND TO SECURE ITS CREDIT AND UTILITY," PASSED OCTOBER 12, 1785.

Preamble.

WHEREAS, it is necessary to call in and sink the paper medium circulating in this State, as speedily as possible;

Manner of collecting debts of borrowers of the paper medium, and their securities.

1. *Be it enacted*, by the hono^{rable} the Senate and House of Representatives, in General Assembly now met and sitting, and by the authority of the same, That the borrowers of the paper medium, and the purchasers of property sold by the commissioners of the loan office, who have assumed the debts of any of the borrowers, shall be obliged to pay into the hands of the commissioners of the loan office one year's interest on the first Wednesday in March next, and the same shall and may be recovered in the way and manner prescribed in the Act entitled "An Act to establish a medium of circulation by way of loan, and to secure its utility," passed the twelfth day of October, one thousand seven hundred and eighty-five. And they shall also be obliged to pay to the commissioners of the loan office one-seventh part of the principal sum borrowed, on the second Wednesday in May next, and the same shall be recovered in the manner following: the commissioners, or a majority of them, shall, within two weeks immediately following the said second Wednesday in May next, (having previously advertised the names of the defaulters in the Gazettes of Charleston and Columbia, with a notice that suits will be commenced as hereby prescribed,) commence suits on the bonds, and proceed to foreclose the mortgages, of such of the borrowers and other debtors as may make default in the payment of the said proportion of their respective debts, for three-fifths of the principal sum borrowed; and such suits and proceedings shall be carried on without delay, and conducted to judgment, decree, and execution, as soon as possible; and as soon as the money is recovered, the same shall be defaced and destroyed in the manner hereinafter directed; provided, nevertheless, that upon the payment of the said one-seventh part of the principal debt by any of the said borrowers or other debtors, together with the costs of suit, at any time before payment is actually obtained, such suits shall and may be discharged and ended with respect to such borrowers. And the borrowers and other debtors shall be obliged to pay one-fifth part of the original principal sum borrowed, and the whole of the interest then due, on the first Wednesday in March, one thousand seven hundred and ninety-two, and so on annually, until the whole sum borrowed, with the interest thereon, shall be fully paid and discharged, in paper medium or gold and silver; and if default be made in the payment thereof at any of the times the same is hereby made payable, the treasurer hereinafter mentioned shall, on the Wednesday four weeks then immediately following, (having for three weeks previously thereto advertised the mortgaged property for sale in the Gazettes in Charleston and Columbia,) expose to public sale, to the highest bidder, the whole property so mortgaged or pledged by such defaulters, for ready money, in the paper medium or gold or silver coin current in this State; and the paper medium paid to or recovered by the commissioners or treasurer, in the manner herein prescribed, shall be immediately defaced by them in such manner as to prevent its future currency, and shall be then delivered to a joint committee of the Senate and House of Representa-

tives, to be by them burnt; except the interest which will be due and payable on the first Wednesday in March next, which stands pledged to pay so much of the foreign debt. A. D. 1791.

II. *And be it further enacted* by the authority aforesaid, That in case any property should be directed to be sold by the commissioner aforesaid on account of the proprietor not having complied with the terms of this Act, and it shall appear clearly and evidently to the said commissioner, that the property about to be sold will be disposed of so considerably below its intrinsic value as that the interest of the State will be materially injured thereby, the said commissioners is hereby authorized and empowered to purchase the property so offered for sale, for and on account of the State.

Commissioners authorized to buy in property for the State in certain cases.

III. *And be it further enacted* by the authority aforesaid, That if at any time during the progress of calling in the said paper medium, any of the borrowers shall choose to pay in the whole sum borrowed, together with the interest thereon, the commissioners shall be obliged to receive the same, and shall deface and deliver the sums paid in to the joint committee of the Senate and House of Representatives, to be burnt, as in manner before directed.

Paper medium to be burnt when redeemed

IV. *And be it further enacted* by the authority aforesaid, That the eleventh clause of the Act entitled "An Act to regulate the payment and recovery of debts, and to prohibit the importation of negroes, for the time therein limited," passed the fourth day of November, one thousand seven hundred and eighty-eight, giving an option to purchasers at sheriff's or other officers sale, to make payments in the paper medium, or in gold or silver, be, and the same is hereby, repealed.

Former act repealed.

V. *And be it further enacted* by the authority aforesaid, That until the whole of the said paper bills shall be called in and sunk by the operation of this Act, they shall pass in payment to the treasury of this State, in discharge of all debts, duties, and taxes, which may grow due and payable to the treasury, and also in payment of the civil list expenses, and all the contingent charges of Government.

Bills to be received by the State until called in.

VI. *And be it enacted* by the authority aforesaid, That should any deficiency arise from the failure of the borrowers of the paper medium, that the public faith be, and the same is hereby, pledged, to make good the said deficiency.

Public faith pledged to make good any deficiency.

VII. *And be it enacted* by the authority aforesaid, That the office and salary of the commissioners of the loan office shall cease after the first day of June, one thousand seven hundred and ninety-one, and that the said commissioners shall deliver over to the treasurer in Charleston, all the books, papers, and paper medium, relative to the said loan office, taking the treasurer's receipt for the same, and to render an account of their transactions in the said loan office to both branches of the Legislature at their meeting in November next; and that the powers and authorities and duties vested in the commissioners of the loan office, from and after the first day of June next, be, and the same are hereby, vested in the said treasurer.

Commissioners to render an account of their transactions to the Legislature

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1791.

No. 1495. *AN ACT* FOR ESTABLISHING THE MODE OF GRANTING THE LANDS NOW VACANT IN THIS STATE, AND FOR ALLOWING A COMMUTATION TO BE RECEIVED FOR SOME LANDS THAT HAVE BEEN GRANTED.

Preamble.

WHEREAS, all the valuable lands in this State have already been granted, and such as are now vacant will remain so, if the sum of ten dollars, in indents, be required by the public for every hundred acres thereof, and no taxes will be paid for the same :

Parts of former acts repealed.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the first and second sections of an Act entitled "An Act for establishing the mode and conditions of surveying and granting the vacant lands within this State," passed the twenty-first day of March, 1784, and that so much of the first section of an Act entitled "An Act to alter and amend an Act entitled an Act for establishing the mode and conditions of surveying and granting the vacant lands within this State, and for other purposes therein mentioned," passed the 24th of March, 1785, as relate to the granting and selling such lands within this State as are now vacant, at the rate of ten dollars for every hundred acres, be, and the same is hereby, repealed; and that such vacant lands be granted to any citizens applying for the same, on paying the fees of office.

Former grants.

II. And whereas, grants for many thousand acres of land within this State have been obtained at the rate of ten dollars, in indents, for every hundred acres, and some of the grantees have suffered their grants to remain in the secretary's office without applying for them, and where such lands have been put up for sale by the treasurers on account of the non-payment of the said ten dollars per hundred acres, the sums produced by such sales were very trifling : *Be it therefore enacted* by the authority aforesaid, That where lands have been so granted, and have not been resold by the treasurers, it shall and may be lawful for the treasurers, and they are hereby required, on receiving four shillings and eight pence, specie or paper medium, from the grantees of the said land, for every hundred acres thereof, in lieu of ten dollars in indents, to give the grantee paying such commutation a discharge for the same, and an order on the secretary of State to receive his grant on paying the fees; and the said secretary is hereby required, on receiving such order and payment, to deliver the grants to the grantees respectively who shall be so entitled to them.

Comm. order to sell land not issued for within twelve months.

III. *And be it further enacted* by the authority aforesaid, That all grants of land in the secretary's office, and which shall not be taken out within twelve months from the passing of this Act, be then sold to the highest bidder by the commissioners of the treasury.

Grants to be sold when not specified and paid for.

IV. *And be it further enacted* by the authority aforesaid, That where any person or persons have paid money or sums into the treasury as a portion or part of the purchase money due to the State for divers tracts of land, without acceptance of the particular tract or tracts which they would be understood so to have paid for, that in all such cases the commissioners of the treasury may sell such tract or tracts, or as much thereof as may be sufficient to make up the balance due to the State, as have been granted to such person, and are not paid for, as they may think proper, at public sale, under and by virtue of this Act.

V. *And be it further enacted* by the authority aforesaid, That the Governor for the time being be, and he is hereby, authorized and empowered

to appoint a proper person as commissioner of locations in each of the location districts in this State, which commissioners shall observe all such regulations as are by law established for regulating the mode and conditions of surveying and granting the vacant lands in this State.

A. D. 1791.

Governor to
appoint
commissioners
of locations.

VI. *And be it further enacted* by the authority aforesaid, That this Act shall not be considered to be of force, so as to enable any survey whereon to found a grant under and by virtue of this Act, nor any application to relapse any survey already made be effectual, till after the first day of April next, but that all and every person or persons who have already made surveys of any land, or shall make surveys of any land before the first day of April, may be at liberty to carry the same into a grant on the payment of one dollar per hundred acres, as prescribed in the second enacting clause of this Act.

Application of
this Act.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT FOR ESTABLISHING AN EASIER AND CHEAPER MODE OF RECOVERING MONEY SECURED BY MORTGAGE ON REAL ESTATES; AND BARRING THE EQUITY OF REDEMPTION; AND FOR ABOLISHING THE FICTITIOUS PROCEEDINGS IN THE ACTION OF EJECTMENT. No. 1496.

WHEREAS, mortgages are generally meant merely as securities for debts, and no actual estate is intended to be conveyed by the mortgager to the mortgagee, but the mortgaged estate is intended, and ought to be considered, only as a pledge for the payment of the principal and interest due on the debt meant to be secured; and whereas, the present mode of foreclosing mortgages of real estates is tedious and expensive, and the right of the mortgager to his equity of redemption is, in the present mode of exercising that right, attended with inconvenience: Now, for the easier and speedier advancement of justice, in obtaining the payment of debts secured by mortgage, and for ascertaining when the equity of redemption of the mortgager shall be barred,

Preamble.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That on judgment being obtained in the court of common pleas on any bond, note, or debt, secured by mortgage of real estate, it shall and may be lawful for the judges of the court of common pleas, in case of any judgment having been obtained subsequent to the property being mortgaged, and prior to the obtaining judgment in the action hereby allowed to be commenced, to order the sale of the mortgaged property for the satisfaction of the monies secured by the said mortgage, and to give a reasonable extension of the time when the sale is to take place, not exceeding the term of six months from the judgment, and also to give a reasonable credit on the sale of the mortgaged premises, not exceeding the term of twelve months from the sale: and the mortgager shall be forever barred and foreclosed by such sale from his equity of redemption, in as complete

Proceedings to
foreclose
mortgage.

A. D. 1791.

a manner as if the same had been foreclosed in a court of chancery; any law, usage or custom to the contrary thereof in any wise notwithstanding. Provided always, that if at any time before such sale, the mortgager shall tender to or pay into the hands of the plaintiff, or his agent or attorney, or to the sheriff, all the principal money and interest meant to be secured by such mortgage, and also all the costs of suit, the sale shall not take place, but the mortgagee shall enter satisfaction on the said mortgage, and the mortgaged premises shall be forever exempt from the said mortgage.

Mortgagee not
entitled to
possession.

II. *And be it further enacted* by the authority aforesaid, That no mortgagee shall be entitled to maintain any possessory action for the real estate mortgaged, even after the time allotted for the payment of the money secured by mortgage is elapsed; but the mortgager shall be still deemed owner of the land, and the mortgagee as owner of the money lent or due, and shall be entitled to recover satisfaction for the same out of the land, in the manner above set forth. Provided always, that nothing herein contained shall extend to any suit or action now pending, or when the mortgager shall be out of possession, nor to contravene in any way the Ordinance entitled "An Ordinance to encourage subjects of foreign states to lend money at interest on real estates within this State," nor to deprive any person or persons of any right which he, she or they may have at the time of passing this Act.

In case of dif-
ferent mortga-
ges.

III. *And be it further enacted* by the authority aforesaid, That where the same lands are mortgaged at divers times, the debts meant to be secured by such mortgages shall be paid in the order the same are recorded, agreeable to law, and in no other order; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Trying the
title to land.

IV. And whereas, since the disuse of real actions, the common method of trying the title to lands has been by action of ejectment, which, depending upon a variety of legal fictions, is rarely understood but by professors of the law; in order to render more plain the mode of trying the title to lands in this State, *Be it enacted* by the authority aforesaid, That the method of trying the title to lands or tenements within this State shall be henceforward by action of trespass, wherein the real name of the plaintiff and defendant shall be used, and not fictitious names; and if the jury shall find for the plaintiff, they are also hereby empowered, in the same verdict, to award damages for mesne profits, and the judgment shall be entered on such verdict, as well for the damages as for the recovery of the land; and the plaintiff, on such judgment, shall be entitled to a writ of possession for the land, and to an execution for his damages.

V. *And be it further enacted* by the authority aforesaid, That every Act of Assembly relative to actions of ejectment, shall henceforward be construed to relate to such actions of trespass where the title to lands shall come in question.

In the Senate House, the nineteenth day of February, in the Year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1791.

AN ACT TO PROVIDE FOR THE FINAL SETTLEMENT OF THE ACCOUNTS OF THE FORMER COMMISSIONERS OF THE TREASURY, AND OTHER PUBLIC DEPARTMENTS, AND OF ALL OTHER PERSONS HAVING ACCOUNTS WITH THE STATE.

No. 1497.

WHEREAS, it is ordained in and by the fifth of the additional articles to the Constitution of this State, passed at Columbia, the third day of June, in the year of our Lord one thousand seven hundred and ninety, that the Legislature "provide for the annual and final settlement of the accounts of the commissioners of the treasury, so that the pecuniary interest of the State be duly attended to, and the persons who faithfully discharge the duties of that important office be quieted therein, and their securities released, in a fixed and reasonable time." And whereas, in order to carry the said article fully into effect and to ascertain the real state of the public accounts of this State, and to enforce a settlement with the public by those persons who have been in any way entrusted with the collecting and payment or disbursement of public money, it is become necessary to close the public accounts at a day certain, and to appoint proper persons as commissioners to examine and adjust and settle the public accounts:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners of the treasury, the auditor general, collectors and receivers of the public tax, and all other persons whose accounts remain unsettled, shall forthwith make out and close the same up to the twentieth day of February, in the present year, and submit the same, with proper vouchers, for the inspection, adjustment and final order of the commissioners to be appointed by virtue of this Act.

Public officers
to render their
accounts to
commissioners.

II. *And be it further enacted* by the authority aforesaid, That three commissioners, to be elected by joint ballot of the Senate and House of Representatives, during the present session, shall be appointed commissioners, with full power and authority on the part of this State to examine into, adjust and settle the accounts of the present and all former commissioners of the treasury, and all tax collectors and receivers, and of all and every other agent or agents, board, person or persons, who have at any time heretofore been entrusted with the collection and disbursement of public money in any way or manner whatsoever, and whose accounts remain unsettled and not finally closed; and on a thorough investigation and examination, and having proper vouchers and evidences exhibited to them, to close and settle with such person or persons, and the heirs, executors or administrators of such as may have departed this life, an acquittance or other sufficient discharges, in the name and for and on behalf of this State, to give; and also to deliver up and cancel all and every such bonds and obligations as are or may remain in the treasury or secretary's office of this State, so that persons faithfully executing the duties of their respective offices, their securities, and the heirs, executors and administrators of such persons and their securities, may be quieted and forever discharged from their said obligations.

Commissioners
of accounts to
be chosen by
the legislature.

III. And in order to enable the said commissioners fully to carry this Act into execution, and to ascertain the real state of the pecuniary interests of this State, *Be it enacted* by the authority aforesaid, That the said commissioners, or any two of them, be, and they are hereby, authorized, enjoined and required to call to an account and reckoning, and to settle with,

Powers of the
commissioners.

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all and every such person and persons as have filled the office of commissioners of the treasury of this State, and with the heirs, executors and administrators of such as may be dead, all collectors and receivers of the public tax, and all and every such person and persons as have acted as agents or boards, and all other person or persons whomsoever, who at any time or times heretofore have been entrusted or concerned in the collection and receipt or payment and disbursement of public money, and the heirs, executors or administrators of such as may be deceased; and in case of refusal or neglect in any person or persons to render such account, and to make payments of any balance or balances in their hands, to prosecute, on the part and behalf of this State, any action or actions, suit or suits, in law or equity, for the recovery of any sum or sums of money that may be found in arrear, due, owing or payable to this State, and the same to final judgment and execution to prosecute, and to proceed to the seizure and sale of the goods, chattels and effects of such debtor or debtors, or to the imprisonment of his or their persons; in such way or manner as to the said commissioners, or any two of them, may seem fit and meet for the benefit of this State.

Commissioners
empowered to
send for persons
and papers.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners, in the execution of the trust hereby reposed in them, and to enable them to obtain the fullest and most perfect information on the object of their commission, shall have full power and authority to send for and examine any person or persons on the subject of the accounts, receipts and disbursements for and on behalf of the public; and also to order the attendance of all or any of the present or former commissioners of the treasury, auditor general, or other public officer or officers of this State, for the purposes aforesaid. And in case any person summoned to appear before the said commissioners shall refuse to appear, or, when appearing, shall refuse to be examined or to give such information, on oath or affirmation, as may be consistent with his, her or their knowledge in the premises, that it shall and may be lawful for the said commissioners, or any two of them, to commit such person or persons to close prison, in any common gaol of this State, until he, she or they shall submit to be examined by the said commissioners, or any two of them; and all and singular the sheriffs, gaolers and other public officers, are hereby required to be aiding and assisting to the said commissioners, in enabling them fully to carry this Act into effect.

And to visit
and inspect
the treasury,
&c.

V. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any two of them, at all times during the continuance of this Act, to visit the public treasury, the offices of the tax collectors, or any of them, and to point out and direct the manner in which the accounts of the treasury, tax collectors, or other officers, shall be kept; and to direct such statements, accounts and documents to be made out and prepared for the use of the Legislature, or of the said commissioners, as they shall deem necessary to explain or illustrate their reports, or to ascertain the true balances of the public debts and credits of the State.

To report to
the legislature.

VI. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any two of them, shall, from time to time, report and lay before the Legislature of this State a full statement of their proceedings in the premises.

Oath to be
taken.

VII. *And be it further enacted* by the authority aforesaid, That before any of the said commissioners shall take upon him the duties imposed by this Act, he shall take an oath, before some one of the judges of the superior court of this State, well and faithfully to execute the trust hereby re-

posed; and the said commissioners shall cause an oath to be administered to each and every clerk by them to be employed, well and faithfully to execute the duties imposed on them, and to keep secret such matters as may be enjoined them by the said commissioners, or a majority of them. A. D. 1791.

VIII. *And be it further enacted* by the authority aforesaid, That each of the commissioners appointed by virtue of this Act shall be entitled to receive, as a reward for his services, the sum of five hundred pounds sterling annually, over and above all charges of stationary and other expenses necessarily to be incurred, except the hire of clerks, in and about executing the duties imposed by this Act. Salary of the commissioners.

IX. *And be it further enacted* by the authority aforesaid, That this Act shall be taken as a public Act, and shall be judicially taken notice of as such, and may be given in evidence as such in all courts of judicature of this State, without special pleading; and that if the said commissioners, or any of them, or any person or persons employed by them, in and about executing the duties prescribed by this Act, shall be sued or impleaded for any thing done by them, or any of them, in the execution of the same, and a verdict shall pass for the defendant, or the plaintiff shall suffer a nonsuit or discontinuance, the defendant or defendants shall recover treble costs. This a public Act.

X. *And be it further enacted* by the authority aforesaid, That the treasurers now to be elected shall, from the day of their appointment, commence and open a new set of books, totally unconnected with the past transactions of the treasury office, and keep the same after the Italian method of book-keeping; and they are hereby required and directed to balance their books on the first day of October in every year, and lay a statement of the same before both houses of the Legislature, on the first day of their meeting, annually. Provided always, that nothing herein contained shall extend or be construed to extend to deprive the commissioners of the treasury of the power of demanding, receiving and compelling the payment of debts due to the State, agreeably to law. Treasurers to open a new set of books.

XI. *And be it further enacted* by the authority aforesaid, That this Act shall be in force for the space of three years from and after the passing thereof, and from thence to the end of the next sitting of the General Assembly; unless the objects thereof shall be sooner accomplished, and the Legislature be enabled to discharge the commissioners from the trusts created by the same. Limitation

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT FOR LOANING TO THE UNITED STATES A SUM OF THE INDENTS No. 1498.
OF THIS STATE, UNDER CERTAIN LIMITATIONS THEREIN MENTIONED.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners of the treasury, or any one of them, be authorized, required and directed to subscribe, in behalf of this State, on loan to the United States, on the last day of September next, so many Loan to the United States.

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of the fundable indents of this State as may then be in their possession, which, when added to the amount of private subscriptions, will make in the whole four millions of dollars, or as near thereto as may be, but in no case to exceed that sum; and to receive in lieu thereof, in behalf of the State, from the commissioner of loans, the funded certificates of the United States, in such sums as they may deem most convenient.

Indents not to
be exchanged.

II. *And be it further enacted* by the authority aforesaid, That each and every officer of this State who has or who may receive indents in behalf of the State, is hereby required to retain in his possession, or pay over to the treasury, as the case may be, the identical indents he or they have received or may receive: and if any officer who has received or may receive indents of this State, shall presume to exchange fundable indents for such as are not fundable, such officer shall, on conviction thereof, forfeit his office and double the nominal sum of indents so exchanged.

Return to be
made of all
indents.

III. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury take forthwith an account of all indents in their possession, distinguishing those which are fundable from those which are not, and those which are cancelled from those which are not, and report the same to the Legislature, when sitting, or, in their recess, to his Excellency the Governor; and the commissioners of the treasury, and all other officers of the State who have received or who may receive fundable indents on behalf the State, are hereby required to forbear from cancelling the same till the last day of September next; any law, usage or custom to the contrary notwithstanding.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1499. *AN ACT* EMPOWERING THE TREASURERS TO ISSUE INDENTS TO SUNDRY PERSONS WHOSE ACCOUNTS WERE RETURNED TO THE AUDITOR GENERAL WITHIN THE TIME PRESCRIBED BY LAW, THE VOUCHERS FOR WHICH WERE IN THE POSSESSION OF THE LATE WM. ARTHUR, ESQ. AUDITOR FOR ORANGEBURGH DISTRICT, AS WELL AS SUNDRY OTHER ACCOUNTS DELIVERED IN TO THE SAID WM. ARTHUR, ESQ. WITHIN THE TIME PRESCRIBED BY LAW, BUT WHICH ACCOUNTS AND VOUCHERS, OWING TO THE DEATH OF THE SAID WM. ARTHUR, ESQ. ARE LOST OR MISLAID; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, sundry accounts received by the auditor general, within the time prescribed by law for receiving accounts, have never been passed, owing to the vouchers having been retained by the late William Arthur, Esquire, Auditor for Orangeburgh district; and whereas, sundry other accounts, which were received by the said William Arthur, Esquire, within the time prescribed by law for receiving accounts, which said accounts and vouchers, owing to the death of the said William Arthur, Esquire, are lost or mislaid; and whereas, sundry of the accounts received by the audi-

tor general were for specific articles supplied the troops of this State, as well as the troops of the United States, and for which no prices appear to have been fixed:

A.D. 1791.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in every such case the treasurers be, and they are hereby, authorized and required to allow such reasonable prices for the same as may appear right, not exceeding the prices allowed by Congress for such specific articles.

Treasurers to settle the said accounts.

II. *And be it further enacted* by the authority aforesaid, That the treasurers be, and they are hereby, authorized and required to issue indents to the amount of all such of the said accounts as may appear on oath to have been received by the auditor general, as well as those retained by the late William Arthur, Esq. auditor for Orangeburgh district, (except where indents have been already issued,) with interest thereon from the first day of April, one thousand seven hundred and eighty-three, on their producing the said original accounts, and such vouchers as can be obtained to support such of the accounts as were received by the auditor general, and proper vouchers for such of the aforesaid accounts as have been retained by the said William Arthur.

Indents to be issued.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT AUTHORIZING THE INHABITANTS OF THE ELECTIVE DISTRICTS, No. 1500.
WHERE COUNTY COURTS ARE NOT ESTABLISHED, TO CHOOSE COMMISSIONERS OF THE POOR.

WHEREAS, it will conduce much to the convenience of the inhabitants, where county courts are not established, to have commissioners of the poor:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the respective managers of the election for members of the Legislature in the said election districts shall, and they are hereby authorized and required to, open a poll for the election of commissioners of the poor, not exceeding five; the first election to be held on the first Monday in April next, and at all times thereafter at the same times and places, and in the same manner as are usual for the election of members of the Legislature; and that all persons who have a right to vote for members of the Legislature, shall be entitled and have a like right to vote for the said commissioners.

Commissioners of the poor to be elected.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners of the poor, elected as aforesaid, shall have the oversight, ordering and relieving of the poor, in the said elective districts respectively; and shall have power to demand and receive all such gifts and legacies, and all such fines and forfeitures, and any other monies or things

Powers of the commissioners.

A. D. 1791.

whatsoever, as are given to the use of the poor; and in case of refusal to deliver or pay the same, to commence and prosecute any lawful suit or action for the recovery thereof.

Poor of the
districts how
to be relieved.

III. *And be it further enacted* by the authority aforesaid, That the poor of the elective districts respectively shall be relieved and educated out of all such money, goods or things, and out of such fines, mullets and forfeitures, as shall be given to the use of the poor. And in case the same shall not be sufficient for the relief of the poor, and the education of their children, and of poor orphan children, that once in every year, at any time within two months after the first day of January annually, it shall be lawful for the said commissioners, in the election districts respectively, to assess such sum or sums as shall be sufficient for that purpose: the said assessments to be made equally upon the estates, real and personal, of all and every the inhabitants, owners and occupiers of the lands, tenements and hereditaments, or any personal estate, within the several districts. And in case any person or persons shall refuse or neglect to pay the sum or sums which they may be assessed, it shall and may be lawful for the said commissioners, or a majority of them respectively, to issue their warrant of distress against such defaulter, which shall be levied by any of the constables in the said respective districts, in the same manner, and sales shall be made on the same terms, as in cases of distress or sales for public taxes.

Commissioners
may bind out
poor children
as apprentices.

IV. *And be it further enacted* by the authority aforesaid, That in case any poor children shall be chargeable to the respective districts, it shall and may be lawful for the commissioners of such district to bind any such child or children out to be an apprentice, until every male child shall arrive to the age of twenty-one years, and every female until she shall arrive unto the age of eighteen years, or be married.

Penalty on
commissioners
refusing to
serve.

V. *And be it enacted* by the authority aforesaid, That the said commissioners when elected as aforesaid shall be obliged to serve, under the penalty of forfeiting five pounds for each person elected as aforesaid refusing or declining to serve; provided nevertheless, that no person shall be obliged to serve more than two years in six: and they shall continue to exercise the duties, powers and authorities which they are hereby vested with, for and during the term of two years, to commence from the time of their respective elections, except as to the first election to be made by virtue of this Act.

In Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1501. *AN ACT* TO SUPPRESS THE PERNICIOUS PRACTICE, AND PREVENT THE EVIL CONSEQUENCES, OF EXCESSIVE AND DECEITFUL GAMING AND SWINDLING, AND OTHER PRACTICES THEREIN MENTIONED.

WHEREAS, a number of idle persons, of ill fame, who have no visible means of obtaining an honest and reputable livelihood, have of late

infested this State, and have been too successful in carrying into effect their deceitful, gambling and swindling practices, drawing into their wily snares many ignorant and unwary persons, to their prejudice; in order, therefore, to prevent, as far as possible, such dangerous and evil practices in future,

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I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, if any person or persons shall inveigle or entice, by any arts or devices, any other person or persons to play at cards or dice, or any other game, or bear a share or part in the stakes, wagers or adventures, or bet on the sides or hands of such as do or shall play as aforesaid, or shall sell, barter, or expose to sale any kind of property which has been before sold, bartered or exchanged by the person so selling, bartering or exchanging, or by any person or persons, to his or their benefit or advantage, so selling, bartering or exchanging, in any house or other place within the State, or be a party thereto, or overreach, cheat or defraud by any other cunning swindling arts and devices, that so the ignorant and unwary, who are deluded thereby, lose their money or other property, every such person exercising such infamous practices shall, on conviction thereof, in any court of this State exercising criminal jurisdiction, by trial by jury, be deemed guilty of enticing, inveigling, defrauding and swindling, shall forfeit a sum at the discretion of the court and jury, besides refunding to the party aggrieved double the sum he was so defrauded of; and if the same be not immediately paid, with costs, every such person or persons shall be committed to the common gaol or house of correction of the district or county where such person or persons shall be convicted, there to continue for any time not exceeding six months, unless such fine or fines, with costs, be sooner paid and discharged.

Penalty on gaming, swindling, &c.

II. *And be it further enacted* by the authority aforesaid, That complaint on oath being made to any one of the justices of peace within the State, of any person or persons having defrauded the party complaining, by inveigling, enticing, or by any swindling practices, within the meaning of this Act, he shall issue his warrant directed to any sheriff or lawful constable, who is thereupon to apprehend such person or persons and bring him or them before any one of the justices of the peace of the State, with the cause of his detention, who shall thereupon hold the party so brought before him to bail, with one or more sufficient sureties, to appear at the court of the district or county, having jurisdiction to try such cause, that shall happen thereafter, and answer to any information to be then filed against him or them by the party so injured; but if the party refuse to give bail as aforesaid, the said justice of peace shall be, and he is hereby, authorized and required to commit him or them to the common gaol of the district or county in which the complaint is made, there to remain until the next sitting of the court of the district or county having jurisdiction to try such cause, then to be brought up for trial.

Justices of the peace to cause offenders to be apprehended.

III. And whereas, the occupation of seafaring men, and the residence of such inhabitants of the State as are at a great distance from the city of Charleston, rendering it inconvenient and expensive to such persons (having been defrauded within the said city) to wait until the sitting of the court of sessions for the purpose of prosecuting to conviction offenders against this Act, but would rather submit to the loss sustained, if not very great; therefore, for the relief of such persons, it is necessary that such offenders within the city of Charleston should be brought to a more speedy trial; therefore, for that purpose, *Be it further enacted* by the authority

Court of wardens to try all offenders in Charleston.

A. D. 1791.

aforsaid, That the court of wardens of the city of Charleston be, and the said court is hereby, authorized and empowered to try all offenders against this Act, upon the principles of law in criminal cases; provided, that a jury is drawn from among the citizens of Charleston for that purpose.

Juries how to
be drawn.

IV. *And be it further enacted* by the authority aforsaid, That the City Council of Charleston is hereby authorized and empowered to regulate and direct the mode and manner of drawing such juries; and that the jurors so drawn shall be liable to the same penalties for non-attendance as the jurors of the superior court of sessions are by law subject to.

Securities for
gambling debts
void.

V. *And be it further enacted* by the authority aforsaid, That all notes, bills, bonds, judgments, mortgages, or other securities or conveyances whatsoever, given, granted, or entered into, or executed by any person or persons whatsoever, where the whole or any part of the consideration of such conveyances or securities shall be for any money or valuable thing whatsoever won by cock-fighting, horse-racing, or by gaming or playing at cards, dice, tables, tennis, bowls, or other game or games whatsoever, or by betting on the sides or hands of such as do game at any of the games aforsaid, or any other game or games, or for the reimbursing or repaying any money knowingly lent or advanced at the time and place of such cock-fighting, horse-racing or play, to any person or persons so gaming or betting as aforsaid, or that shall, during such cockfighting, horse-racing, or so play or bet, shall be utterly void, frustrate, and of none effect, to all intents and purposes whatsoever: and that where such mortgages, securities, or other conveyances, shall be of lands, tenements or hereditaments, or shall be such as to encumber or affect the same, such mortgages, securities, or other conveyances, shall enure and be to and for the sole use and benefit of and shall devolve upon such person or persons as shall have been or may be entitled to such lands, tenements, or hereditaments, in case the said grantor or grantors thereof, or the person or persons so incumbering the same, had been dead, and as if such mortgages, securities or other conveyances had been made to such person or persons by the person or persons so incumbering the same; and that all grants and conveyances to be made for the preventing of such lands, tenements or hereditaments from coming to or devolving upon such person or persons, hereby intended to enjoy the same as aforsaid, shall be deemed fraudulent and void, and of none effect, to all intents and purposes whatsoever.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1502. AN ACT to ascertain the jurisdiction of the Court of Wardens of the City of Charleston, in the cases therein mentioned.

(Passed February 19, 1791. See last volume.)

A. D. 1791.

AN ACT to establish a County and County Court in the District of Kershaw. No. 1503.

(Passed February 19, 1791. *See last volume.*)

AN ACT FOR ESTABLISHING THE UPPER LINE BETWEEN THE PARISHES OF PRINCE GEORGE, PRINCE FREDERICK AND LIBERTY COUNTY. No. 1504.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, met in General Assembly, and by the authority of the same, That Prince George Parish shall be bounded northwardly by a line beginning at Lenud's Ferry, on Santee river, thence along the road to Potatoe ferry, to Shepherd's ferry on Black Mingo, to Briton's ferry on Great Pedee, thence along the said river and Big Bull's creek; any law, custom or usage to the contrary notwithstanding. Bounds.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT for opening and improving the navigation of Great Pedee, Wateree, Congaree, Broad River, Savannah, Keowee, Tugaloo, and Black Rivers, Lynch's, Black, Jeffrees' and Catfish Creeks. No. 1505.

(Passed February 19, 1791. *See last volume.*)

AN ACT for laying out and keeping in repair a public Road leading from New River Bridge down to Tunbridge, on New River Neck, and from thence the nearest and best route to the mouth of Savannah Back River, including the road leading from Purysburgh, lately laid out and worked on, to continue so as to intersect the same. No. 1506.

(Passed February 19, 1791. *See last volume.*)

AN ACT for laying out certain Roads and establishing certain Ferries; and for other purposes therein mentioned. No. 1507.

(Passed February 19, 1791. *See last volume.*)

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No. 1508. AN ACT for vesting a Bridge to be built by Wade Hampton, Esq. at his own expense, across the Congaree River, also a Bridge over the Savannah River, opposite to the town of Augusta, in the said Wade Hampton, his heirs and assigns, for the term therein mentioned; also vesting a Bridge to be built by John Compy, across Broad River, above the confluence of Broad and Saludy Rivers.

(Passed February 19, 1791. See last column.)

No. 1509. AN ACT TO AFFORD RELIEF TO JOHN LEWIS GERVAIS, AND OTHER PURCHASERS OF PUBLIC PROPERTY.

Preamble.

WHEREAS, the honorable John Lewis Gervais, Esquire, by his memorial and petition, hath stated to the Legislature sundry circumstances of peculiar hardship attending his purchase of public property, and in particular that, to make payment for the same, over and above paying five thousand four hundred pounds in indents of his own, he borrowed eleven thousand six hundred pounds, which he deposited with the attorney general, and that to procure the same he entered in a special contract to return such indents as he borrowed; therefore, prayed that the Legislature would direct the attorney general to return to him the indents which he borrowed, and afford him such other relief as to them should seem just. And whereas, from a full investigation of the subject, it is judged expedient to give relief to the said petitioner;

Attorney general to return indents to J. L. Gervais.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the attorney general be, and he is hereby, directed and required to return to the said John Lewis Gervais the indents which he borrowed, amounting to eleven thousand six hundred pounds, and that such of the indents as were his own property, be paid into the treasury in part of his purchase, and that the balance which shall be then due be discharged either in general indents, according to the terms of his original contract, or at the rate of one pound in specie or paper medium, or five pounds in indents; the said payment to be made in equal instalments of one, two, and three years from and after the passing of this Act.

Relief afforded to other purchasers of public property.

II. And whereas, several persons have made purchases in similar cases, to whom relief should also be extended; therefore, *In a further enacted* by the authority aforesaid, That all persons, or their lawful representatives, who have purchased public property, or who have become securities for the purchase of public property, payable in indents, and for which payment has not been fully made, shall be, and they are hereby, allowed to pay all such sums of money as remain due for the same, either in general indents, according to the terms of his, her, or their original contracts, or at the rate of one pound in specie or paper medium for five pounds in indents; the said payments to be made in equal instalments of one, two, and three years, from and after the passing of this Act. Provided such person or persons shall make oath and give other satisfactory testimony that he or they were not possessed of indents, (either by themselves or others,) on the fourth of February instant, which they have acquired by

purchase at a rate not exceeding the rate of commutation allowed by this Act. And in case any such person shall have been possessed of any indent purchased as aforesaid, on the said day, then he or she shall pay the same, or others equal thereto in value, in the treasury, as far as they will extend towards the discharge of their debts, and the balance, if any, in the manner prescribed by this Act.

A. D. 1791.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO VEST IN SARAH BOLTON THE PERSONAL ESTATE OF HER LATE HUSBAND, DOCTOR RICHARD BOLTON. No. 1510.

WHEREAS, Sarah Bolton hath represented that she was possessed when sole of a personal estate of eleven negro slaves, whereof her late husband, Doctor Richard Bolton, possessed himself on his marriage with her, and that he hath departed this life intestate, and without issue or other known relation, leaving a small personal estate, consisting of only four of the said slaves, and some credits. And whereas, administration hath been granted to a person who hath no interest in the said estate, who cannot legally deliver to her more than one-half of the said estate, and she hath petitioned that an Act be passed vesting the said estate in her;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the personal estate of the late Doctor Richard Bolton as shall remain after the payment of all his just debts, and of the legal fees and demands of the administrator, shall be, and the same is hereby, vested in the said Sarah Bolton, her executors, administrators, and assigns. Provided, nevertheless, that if at any time hereafter any person shall set up and support by due course of law a claim to the said personal estate, or any part thereof, under the statutes of distribution, so much of the said estate as such claimant shall appear to be entitled to, or the true value thereof, shall be delivered or paid over to such claimant after the establishment of the claim.

Personal estate
vested in Sarah
Bolton.

II. *And be it further enacted* by the authority aforesaid, That previously to the administrator's delivering up the said estate to the said Sarah Bolton, she shall give good security in double the value of the property vested in her by virtue of this Act, to the ordinary of Charleston district, to be by him approved, for the redelivery of the estate, or the payment of the value thereof, or so much thereof as may be proved to be the right of any claimant.

She giving security, in case of another claimant.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1791.

No. 1511. *AN ACT* TO AUTHORIZE THE TREASURERS OF THIS STATE TO PAY JOHN SMITH, ESQUIRE, INDENTS TO THE AMOUNT OF THOSE RECEIVED FROM THE PURCHASERS OF THE ESTATE OF BASIL COWPER, WHICH HATH BEEN SOLD BY VIRTUE OF THE CONFISCATION ACT.

Preamble.

WHEREAS, it has been represented to the Legislature of this State by the petition of John Smith, Esquire, that he is sued and liable to pay a very considerable sum of money as the security of Basil Cowper, whose estate has been confiscated and sold, and the purchase money paid into the treasury for the use of the State; which representation hath been proven to the satisfaction of the Legislature. And whereas, it is but just and reasonable that the property of the said Basil Cowper should be applied to the payment of his just debts, and the indemnification of said John Smith;

Indents to be paid J. Smith.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful to and for the said John Smith, at any time after the passing of this Act, to demand and receive from the commissioners of the treasury of this State one or more of the indents assumable by Congress, which have been paid into the treasury and not cancelled, to the amount of principal and interest of the sum the said Basil Cowper's confiscated estate sold for. Provided the same shall not exceed the demand of the said John Smith, and subject, nevertheless, to a deduction of all or any account or accounts which may have been preferred against the estate of the said Basil Cowper, and of all reasonable charges and expenses which the State hath paid or stands charged with, for or on account of the sale or disposal of the said estate.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1512. *AN ACT* TO ENABLE THE SOUTH CAROLINA SOCIETY TO HOLD REAL ESTATES OF THE ANNUAL VALUE OF TWO THOUSAND POUNDS, AND TO BIND TO TRADES AND PROFESSIONS CHILDREN EDUCATED AT THE EXPENSE OF THE SOCIETY.

Preamble.

WHEREAS, the stewards and wardens of the South Carolina Society, by their memorial and petition to the Legislature, have prayed that they may have power to hold a capital and stock in perpetuity to the amount of two thousand pounds sterling per annum, and also that the officers of the said society be vested with full power to bind as apprentices to trades, occupations, or professions, such children as now are or may be supported by the charity of the said society. And whereas, it is expedient to grant the prayer of the said petition:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said South Carolina Society be, and they are hereby, made capable in law to purchase, receive, have, hold, enjoy, possess, and retain, in perpetuity, or for any term of years, any estate or estates, real or personal, messuages, lands, tenements, or hereditaments, of what nature or kind soever, not exceeding in the whole two thousand pounds sterling per annum above reprises.

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Estate to be held by the So. Ca. Society.

II. *And be it further enacted* by the authority aforesaid, That the steward and wardens of the said Society be, and they are hereby, authorized to bind any child or children who shall be educated at the expense of the said society, apprentices to any trade, mystery, or profession, until the male child shall arrive at the age of twenty-one years, and the female child shall arrive to the age of eighteen years, or be married, or for a shorter time, if they shall see fit; any law, usage, or custom to the contrary notwithstanding.

May bind out children as apprentices.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT for building a Toll Bridge across Edisto river, in the county of Orange, from some place at or near the old mill seat, situated within the limits of the town of Orangeburgh, on the north side of the said river, to the most convenient spot on the south side of the said river; and for making a Causeway through the swamp leading from the said bridge to the main road leading from Ninety-Six to Charleston; and for vesting the said Bridge, when built, in such person or persons, his and their heirs and assigns, for a term not exceeding twenty-one years, as shall be at the expense of building the said Bridge, and making the said Causeway, and keeping the same at all times hereafter in repair during the said term.

(Passed February 19, 1791. *See last volume.*)

AN ACT to permit John Holman to come with his Negro Slaves into, and to remain with them in, this State.

(Passed February 19, 1791. *See last volume.*)

AN ACT to incorporate the Roman Catholic Church of Charleston. No. 1515.

(Passed February 19, 1791. *See last volume.*)

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No. 1516. AN ACT for incorporating the Jewish Congregation at Charleston, called Beth Elorhem, or House of God.

(Passed February 19, 1791. *See last volume.*)

No. 1517. AN ACT to incorporate the several churches known by the names of the Presbyterian Church of Hopewell, on Jeffries' Creek; the Presbyterian Church of Aimwell, on Pedee; the Presbyterian Church of Lebanon, on Jackson's Creek; and the Baptist Church Ebenezer, on Jeffries' Creek.

(Passed February 19, 1791. *See last volume.*)

No. 1518. AN ACT to incorporate Camden.

(Passed February 19, 1791. *See last volume.*)

No. 1519. AN ACT TO EXEMPT JOHN FISHER AND MALCOLM BROWN FROM THE PAINS AND PENALTIES OF CONFISCATION AND BANISHMENT, AND TO RESTORE TO THEM SUCH PARTS OF THEIR ESTATES AS REMAIN UNDISPOSED OF BY THE COMMISSIONERS OF FORFEITED ESTATES.

Preamble.

WHEREAS, John Fisher, late of Orangeburgh, and Malcolm Brown, by their humble petitions to the Legislature of this State, did, among other things, severally pray to be exempted from the pains and penalties of the Acts of confiscation and banishment, and that such parts of their estates as now remain undisposed of by the commissioners of forfeited estates, should be restored to them;

J. Fisher and
M. Brown ex-
empted from
penalty, &c.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said John Fisher and Malcolm Brown shall be, and they are hereby, exonerated and discharged from all the pains and penalties to which they were severally liable under the said Acts of confiscation and banishment, and that the said Acts, so far as they respect the said John Fisher and Malcolm Brown be, and they are hereby, repealed, except as hereinafter excepted.

And their es-
tates restored
to them.

II. *And be it further enacted* by the authority aforesaid, That all the estates, both real and personal, which belonged to the said John Fisher and Malcolm Brown previous to the passing of the said Acts of confiscation and banishment be, and the same are hereby, restored to the said

John Fisher and Malcolm Brown respectively, in as full and ample a manner as if the said Acts of confiscation and banishment had never been passed. Provided always, that this Act of restoration shall not extend, or be construed to extend, to invest in the said John Fisher and Malcolm Brown, any property actually sold by the commissioners of confiscation, or to any negroes given as a bounty to the military.

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In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

**AN ACT FOR RELIEVING AND EXEMPTING THE REV. EDWARD JENKINS No. 1520.
FROM BANISHMENT.**

WHEREAS, the Rev. Edward Jenkins hath presented his petition to the Legislature, setting forth that, upon the dissolution of the connexion between Great Britain and the Colonies, now the United States of America, he being restrained by conscientious scruples from taking the oaths of allegiance and abjuration, which by an Act of the Legislature were required of the inhabitants of this State, as a test of fidelity to the United States, withdrew from this State, and thereby incurred banishment, and praying to be relieved and exempted therefrom;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Edward Jenkins shall be, and is hereby, relieved and exempted from banishment, and is, and shall be, permitted to return and remain in this State; any law to the contrary thereof in any wise notwithstanding.

Exemption.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

**AN ACT TO EXEMPT WILLIAM GREENWOOD FROM THE PAINS AND No. 1521.
PENALTIES OF THE ACT OF CONFISCATION AND BANISHMENT.**

WHEREAS, William Greenwood, Mrs. Elizabeth Mary Leger, and Mrs. Elizabeth Love Hutchinson, have petitioned the Legislature that the said William Greenwood may be freed and exempted from the pains and penalties of the Act of confiscation and banishment;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the

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authority of the same. That the said Act, so far as it relates to the said William Greenwood, be, and the same is hereby, repealed.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1522. AN ACT FOR ESTABLISHING CERTAIN REGULATIONS IN GEORGETOWN.

Preamble.

WHEREAS, the inhabitants of Georgetown, Prince George Parish, Winyaw, have long labored under great inconveniences for the want of some persons properly authorized to keep in repair the streets and causeways of the said town, and to prevent the illicit trafficking with negro slaves; and whereas, (by the cession from this State to the United States of all right to collect tolls and duties upon shipping and merchandise entering into the ports of the State,) the port of Georgetown has been deprived of the funds formerly appropriated by law to the purposes of keeping a pilot boat and pilot for the said port:

Commissioners of streets, &c. to be appointed for Georgetown.

I. *Be it enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That — commissioners of the streets (to be appointed by the inhabitants of Georgetown) shall have power to assess, according to the valuation of the general tax, all the lots and buildings of the said town, in such a sum as they shall deem sufficient for keeping the streets and causeways of the said town in repair; and also, to regulate the ferries from the said town over Georgetown river to the road leading to Charleston, and to Waccamaw road, leading to North Carolina; and also, that they shall have power to demand and receive the sum of fifty pounds for each and every licence to keep a billiard table, and the sum of five pounds for each and every licence to retail spirituous liquors in the said town; the amount of such licences to be applied to the purpose of keeping a pilot boat, and to other occasional purposes of the said port: and also, that the commissioners aforesaid, or any two of them, shall have power, in a summary manner, by a warrant under their hands and seals, to seize and rent the premises until the amount of such assessments are fully paid, and to levy on goods and chattels until the price of such licence be discharged; and the monies arising from licences and billiard tables to be paid to the commissioners of the pilotage for the use of the said port and pilot boat.

Their powers and duties.

To regulate the assize and price of bread, &c.

II. *Be it further enacted* by the authority aforesaid, That the commissioners aforesaid shall have power to regulate the assize and price of bread; and shall have power to compel butchers and others to produce to the clerk of the market of Georgetown the hides and ears of all cattle brought for sale to the said market, the said ears to be immediately destroyed by the clerk, who shall be entitled to demand and receive from all butchers and others bringing the same to market the sum of six pence, as a compensation for his keeping a regular account of all the brands and marks of the said cattle.

III. *Be it enacted* by the authority aforesaid, That the commissioners of the streets aforesaid shall have power to prevent all persons galloping through the said streets; and to prevent stud horses, goats and sheep from going at large within the said town; and to prevent all persons from trafficking with negro slaves, or retailing spirituous liquors to them, within the harbour of Georgetown, or on the creeks and rivers of Prince George's parish, Winyaw; and also, that the commissioners aforesaid shall have power in a summary manner to affix and levy fines upon all persons offending against any of the above regulations, not exceeding five pounds for each offence. A. D. 1791.
Further regulations.

IV. *Be it further enacted* by the authority aforesaid, That all deeds and other writings relative to any future conveyance, sale or mortgage of personal property which shall be in the district of Georgetown, at the time of such conveyance, sale or mortgage, and which shall be first recorded in the office of the registers of mesne conveyances in Georgetown, shall be taken, deemed, adjudged, allowed of, and held to be the first conveyance, sale or mortgage, and good, firm, substantial and lawful in all courts of judicature within this State; any former or other transfer, conveyance, sale or mortgage of the same, not recorded in the said office, notwithstanding; any former law, usage or custom to the contrary thereof in any wise notwithstanding. Registering of deeds, &c.

V. *Be it enacted* by the authority aforesaid, That this Act shall be deemed and taken as a public law, and notice thereof shall be taken in all courts of justice and elsewhere in this State, and it shall be given in evidence in the trial of any cause or issue, without special pleading; any law, usage or custom to the contrary thereof notwithstanding. This a public Act.

In the Senate House, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the fifteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO EXEMPT WILLIAM BULL, ESQ. FROM THE PAINS AND PENALTIES OF THE ACTS OF CONFISCATION AND BANISHMENT, AND TO PERMIT HIM TO SEND BACK AND EMPLOY HIS NEGROES AND OTHER SLAVES IN THIS STATE. No. 1523.

WHEREAS, William Bull, Esq. by his petition to the Legislature of this State hath represented that his infirmity and advanced age will prevent him from returning to this State, to avail himself of the benefits intended to be conferred on him by an Act entitled "An Act to exempt William Bull from the pains and penalties to which he is liable by several Acts of the General Assembly," passed the twenty-eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, which representation hath been fully substantiated;

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said William Bull shall be, and is hereby, freed, exonerated and discharged from all the pains and penalties to Preamble.
W. Bull exonerated from penalty, &c.

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which he was liable under the several Acts of confiscation and banishment passed by the Legislature of this State; and that the said Acts of confiscation and banishment, so far as they affect the said William Bull, be, and the same are hereby, repealed.

Said W. Bull
allowed to send
back his ne-
groes.

II. And whereas, the said William Bull, by his aforesaid petition did pray for leave to send back and employ in this State the several negro and other slaves which he was constrained to take and carry away with him on his leaving this State; *Be it therefore further enacted* by the authority aforesaid, That from and immediately after the passing of this Act it shall and may be lawful for the said William Bull, his executors, administrators and assigns, to send back, keep and employ in this State, all and every the negro and other slaves which he took off and conveyed away with him on his leaving the State as aforesaid, together with the issue and increase of the said female slaves; any law of this State to the contrary notwithstanding. And that the sixteenth clause of an Act entitled "An Act to regulate the payment and recovery of debts, and to prohibit the importation of negroes for the time therein limited," passed the fourth day of November, in the year of our Lord one thousand seven hundred and eighty-eight, so far as the same may affect the said William Bull, be, and the same is hereby, repealed.

In the Senate House, the nineteenth day of January, in the year of our Lord one thousand seven hundred and ninety-one, and in the fourteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1524. *AN ACT FOR RAISING SUPPLIES FOR THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY-ONE.*

Preamble.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner herein mentioned, should be assessed, raised, and paid into the public treasury of this State, for the use and service thereof:

Rate of taxa-
tion on lands.

I. *Be it therefore enacted*, by the honorable the Senate and the honorable House of Representatives, now met and sitting in General Assembly, and by the authority of the same. That the sum of ten shillings per centum ad valorem on every hundred pounds, to be paid in specie or paper medium, shall be, and is hereby, imposed on all lands granted within this State, and in the manner and under the several regulations hereinafter set forth and expressed, that is to say: No. 1. All tide swamp not generally affected by the salts or freshes, of the first quality, shall be rated at six pounds per acre; of the second quality, four pounds per acre; of the third quality, two pounds per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, at ten shillings per acre; all prime inland swamp, cultivated and uncultivated, at an average of three pounds per acre; second quality, ditto, two pounds per acre; third quality, ditto, one pound per acre; pine barren lands, adjoining or contiguous thereto, at five shillings per acre; salt marsh or inland swamp, clearly proved to the assessors to be incapable

of immediate cultivation, five shillings per acre. 2. High river swamp or low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill, on Savannah river, the fork of Broad and Saluda rivers, on the Congaree, Graves's Ford on the Waterce, and the boundary line on Pedee; the first quality at three pounds per acre; the second quality at two pounds per acre; the third quality one pound per acre; except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, which shall be assessed at five shillings per acre. 3. All high river swamp, or low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, fifteen shillings per acre. 4. All high lands without the limits of St. Philip's and St. Michael's parishes, on John's island, James island, and on the main, within twenty miles of Charleston, at one pound per acre. 5. All lands on the Sea islands, Slann's island included, or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn or indigo, and not within the limits prescribed in class number four, one pound per acre. 6. All oak and hickory high lands lying below Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, or the boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers four and five, at fifteen shillings per acre. 7. All pine barren lands not included in classes number one, four, and five, to be assessed at one shilling per acre. 8. All oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality, eight shillings per acre; the second quality, five shillings per acre; the third quality, two shillings per acre. 9. All oak and hickory high lands above the old Indian boundary line, the first quality, six shillings per acre; the second quality, three shillings per acre; the third quality, one shilling per acre. That all lands within the parishes of St. Philip and St. Michael shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country. That the sum of three shillings and six pence per head shall be levied on all slaves; the sum of three shillings and six pence per head on all free negroes, mulattoes, and mustizoes, between the ages of sixteen and fifty years; four shillings and eight pence on every wheel of all carriages, (carts, wagons, and drays excepted); and ten shillings per centum ad valorem on all lands and lots and buildings within any city, village, or borough, and on every hundred pounds stock in trade, factorage, employments, faculties and professions. (clergymen, mechanics, schoolmasters and schoolmistresses excepted)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in specie or paper medium of this State.

II. *And be it further enacted* by the authority aforesaid, That all negro or other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be and they are made liable to the payment of this tax.

III. *And be it further enacted* by the authority aforesaid, That the parish of St. Bartholomew shall be divided in the following manner, that is to say: from the mouth of Ashepoo river up to the Fish Pond Bridge, and from thence to the plantation of Hance McCullough, on Jones's swamp, and from thence in a direct line to the line of Orangeburgh district; and that the present collector shall exercise all the duties of assessor and collector on the north side thereof; and a person to be for that purpose appointed on the south side thereof.

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Rate of taxing slaves, &c.

Slaves employed on Indian lands.

Parish of St. Bartholomew divided.

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IV. *And be it further enacted* by the authority aforesaid, That the parish of St. Peter be divided by the road leading from Cypress Creek bridge to the Great Swamp; and that Peter Porcher, senior, shall do the duties of the office of enquirer, assessor and collector of the tax below the said road; and John Peasley shall do the duties of enquirer, assessor and collector of the tax, above the said road.

Enquirers, &c.
to be appointed

V. *And be it further enacted* by the authority aforesaid, That a fit and proper person shall be appointed to do the duties of the office of enquirer, assessor and collector of the tax for Kershaw county; that another person be appointed enquirer, assessor and collector of the tax for Spartanburgh county; another person for the northwest part of the Cypress Swamp, in the parish of St. George, Dorchester, from the parish lines of the said parish and St. James Goose Creek, to the plantation of the estate of Humphrey Somers, from thence on a direct line to Euchaws ferry on Edisto river; and one other person for the remainder of said parish; that one other person be appointed enquirer, assessor and collector of the public tax for the election district of Winyaw; that one other person be appointed enquirer, assessor and collector of the public tax for the election district of Kingston; another fit person for the election district of Liberty; that one other person be appointed enquirer, assessor and collector of the public tax for the election district of Williamsburgh; that one other person be appointed enquirer, assessor and collector of the public tax for the county of Marlborough; that another person be appointed enquirer, assessor and collector of the public tax for Pendleton county; and that one other person be appointed enquirer, assessor and collector of the public tax for Chester county.

Compensation
of enquirers,
assessors, &c.

VI. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors, appointed by law, shall, for their services in the discharge of their duties, receive, on closing their accounts with the commissioners of the treasury, five per centum, except for the parishes of St. Philip and St. Michael, which are to receive $2\frac{1}{2}$ per centum, on the amount of the taxes by them collected, to be allowed and paid to the several collectors aforesaid.

Returns of
former taxes
to be made.

VII. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors shall begin their enquiry on the sixth day of February next; and that where all the collectors that were appointed for any parish or county are dead, and the tax returns not closed with the commissioners of the treasury, the collector who shall be thereafter appointed is hereby directed and ordered to demand receipts or to administer an oath, or to procure other satisfactory proof from the persons of the county or parish, that he or they had paid their taxes for the preceding years, in order to discover the taxes still due, and to enable the public to ascertain what sums of money are due by the estates of the deceased collectors; and should the executor or administrator of the deceased collectors refuse to produce the accounts of the deceased, or give information on the subject, the commissioners of the treasury are hereby ordered to put the law in force against the estates of the deceased collectors.

Duty of the
assessors and
collectors.

VIII. *And be it further enacted* by the authority aforesaid, That the said assessors and collectors appointed by law shall do and perform all and singular the duties appertaining to their office, as described in an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein."

Treasurers to
furnish copies
of this Act.

IX. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury be, and they are hereby, directed to furnish copies of this Act to each of the assessors and collectors appointed by law,

throughout this State, within one month after the passing of this Act, and their reasonable expenses incurred thereby shall be reimbursed. A. D. 1791.

X. *And be it further enacted* by the authority aforesaid, That all persons any wise liable to pay the taxes hereby imposed, shall pay in their taxes to the assessors and collectors by law appointed to receive the same, on or before the first day of April, in the year of our Lord one thousand seven hundred and ninety-two; and that the said assessors and collectors shall pay in the same, and settle their accounts with the treasury, on or before the first day of June, one thousand seven hundred and ninety-two; any law, usage or custom to the contrary thereof in any wise notwithstanding. Time of payment of taxes.

ESTIMATE

Of supplies wanted for the support of Government, for the year 1791.

SALARIES, AS SETTLED BY LAW.

The Governor,	-	-	-	-	-	£900 00 00
Secretary to the Governor,	-	-	-	-	-	100 00 00
Chief Justice,	-	-	-	-	-	800 00 00
Four Associate Judges, each £600,	-	-	-	-	-	2400 00 00
Three Judges of the Court of Equity,	-	-	-	-	-	1500 00 00
Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, in addition to his other duties,	-	-	-	-	-	200 00 00
Three Circuit Solicitors, each £100,	-	-	-	-	-	300 00 00
Two Commissioners of the Treasury,	-	-	-	-	-	800 00 00
Clerk of the Senate,	-	-	-	-	-	287 00 00
Clerk of the House of Representatives,	-	-	-	-	-	287 00 00
Two messengers, one to each house, at £70 each,	-	-	-	-	-	140 00 00
Two doorkeepers, ditto, at fifty pounds each,	-	-	-	-	-	100 00 00
Housekeeper of the State House,	-	-	-	-	-	30 00 00
Powder Inspector and Arsenal keeper,	-	-	-	-	-	100 00 00
						£7,944 00 00

INCIDENTAL CHARGES, VIZ.

Contingent accounts passed,	-	-	-	-	-	£3008 00 00
Accounts delivered the present sessions,	-	-	-	-	-	1647 00 00
Commissioners of forfeited estates, in part of their accounts,	-	-	-	-	-	1082 00 00
Simeon Theus's salary and for clerks,	-	-	-	-	-	1050 00 00
Commissioners for Light House,	-	-	-	-	-	140 00 00
Transient poor,	-	-	-	-	-	1000 00 00
Contingent fund, subject to the Governor's drafts,	-	-	-	-	-	1000 00 00
Auditor's salary, per Resolve of the House,	-	-	-	-	-	180 00 00
Printer's bill, for extras,	-	-	-	-	-	300 00 00
Fort Johnston,	-	-	-	-	-	260 00 00
Expenses of members for the present session,	-	-	-	-	-	1400 00 00
Debt due to Mr. Burn,	-	-	-	-	-	4000 00 00
Commissioners on receiving taxes,	-	-	-	-	-	1500 00 00
Treasurer of Charleston, for salary, and also for a compensation for transacting the business of the Loan Office, and of the Auditor, unsettled, and other additional business of the office,	-	-	-	-	-	100 00 00
The Treasurer of Columbia, for extra service and clerk hire,	-	-	-	-	-	100 00 00
The Treasurer of Charleston, for two clerks at £120,	-	-	-	-	-	240 00 00
Ditto, to be reimbursed the sum paid by him to a clerk, with the approbation of the Governor,	-	-	-	-	-	100 00 00
Commissioners for settling public accounts,	-	-	-	-	-	1500 00 00
Gaols and Court houses in Washington district,	-	-	-	-	-	1500 00 00

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	Do.	do.	in Charleston,	-	-	-	-	1200 00 00
			Arreages of Annuities, for the present year,	-	-	-	-	2000 00 00
			Balance due Mr. McDowall,	-	-	-	-	3000 00 00
			Gaol at Orangeburgh,	-	-	-	-	150 00 00
			For finishing the Court House at Camden,	-	-	-	-	300 00 00
			Repair of Gaol for Georgetown district,	-	-	-	-	150 00 00
			Arrears of money borrowed by Commissioner Gillon of Mr. Stanly,	-	-	-	-	300 00 00
			Secretary of the late Convention for revising the Constitution of the State, &c.	-	-	-	-	40 00 00
			Two Doorkeepers of the late Convention, £20 each,	-	-	-	-	40 00 00
			To the Rev. Mr. Loque, for preaching before the members of the Legislature at their November session,	-	-	-	-	30 00 00
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								£37,361 00 00

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*
JACOB READ, *Speaker of the House of Representatives.*

No. 1525. AN ACT TO AMEND THE ACT ENTITLED "An Act declaring the powers and duties of the Enquirers, Assessors and Collectors of the Taxes, and other persons concerned therein."

Preamble

WHEREAS, experience has evinced that it is prejudicial to the interest of this State that the enquirers, assessors and collectors of taxes should continue in their respective offices during good behaviour: for remedy thereof,

Limitation of office.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every enquirer, assessor and collector of taxes, hereafter to be appointed, shall hold his office only during the pleasure of the Legislature of this State: any law, usage or custom to the contrary thereof in any wise notwithstanding.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*
JACOB READ, *Speaker of the House of Representatives.*

No. 1526. AN ADDITIONAL ACT to the Act entitled "An Act to establish a Court of Equity within this State," passed the nineteenth day of February, seventeen hundred and ninety-one.

(Passed December 20, 1791. See last volume.)

A. D. 1791.

AN ACT to alter and amend the law respecting Juries, and to make some additional regulations to the Acts for establishing and regulating the Circuit Courts. No. 1527.

(Passed December 20, 1791. *See last volume.*)

AN ACT to amend and more effectually put in force, for the time therein limited, the Act entitled "An Act for the regulation of the Militia of this State," passed the 26th day of March, 1784. No. 1528.

(Passed December 20, 1791. *See last volume.*)

AN ACT TO REPEAL PART OF AN ACT PASSED FEBRUARY 19, A. D. 1791, ENTITLED "AN ACT FOR GRADUALLY CALLING IN AND SINKING THE PAPER MEDIUM OF THIS STATE, ISSUED BY VIRTUE OF AN ACT ENTITLED '*An Act to establish a Medium of Circulation by way of Loan, and to secure its credit and utility,*'" PASSED OCTOBER 12, A. D. 1785. No. 1529.

WHEREAS, by an Act, passed the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, entitled "An Act for gradually calling in and sinking the paper medium issued by virtue of an Act entitled "An Act to establish a medium of circulation by way of loan, and to secure its credit and utility," passed the twelfth day of October, in the year of our Lord one thousand seven hundred and eighty-five, it is enacted, "That the borrowers of the paper medium shall be obliged to pay into the hands of the Commissioners of the Loan Office, one fifth part of the original principal sum borrowed, and the whole of the interest then due, on the first Wednesday in March, in the year of our Lord one thousand seven hundred and ninety-two, and that the same be delivered to a joint committee of the Senate and House of Representatives, to be by them burnt." And, whereas, it is thought expedient that the interest which shall become due on the said first Wednesday in March next, be applied towards the extinguishment of the foreign debt;

Preamble.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly now met and sitting, and by the authority of the same, That so much of the said Act as requires the burning of the said interest money, be, and the same is hereby, repealed, and instead thereof the said interest shall be applied towards the extinguishment of the foreign debt. Part of a former act repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

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A. D. 1791.

No. 1530.

AN ACT TO APPOINT COMMISSIONERS FOR LAYING AND RAISING AN ASSESSMENT ON THE TAXABLE PROPERTY IN THE PARISH OF PRINCE GEORGE, (AGREABLY TO ITS ANCIENT BOUNDARIES,) FOR THE PURPOSE OF PAYING THE REPRESENTATIVES OF THE LATE THOMAS LYNCH, ESQ. DECEASED, THE AMOUNT DUE ON A CONTRACT MADE WITH HIM BY THE COMMISSIONERS OF THE ROADS.

Preamble.

WHEREAS, Colonel Hugh Horry has represented, by petition, that he, together with the late Paul Trapier and Benjamin Huger, Esqs., deceased, by virtue of an Act passed on the twentieth day of March, which was in the year of our Lord one thousand seven hundred and seventy-one, did, as commissioners of the high roads, for the parish of Prince George, in the District of Georgetown, contract with the late Thomas Lynch, Esq. deceased, for making the causeway across Lynch's Island, between north and south Santee, being part of the high way between Charleston and Georgetown, and did agree to pay him the sum of eight thousand pounds old currency, within six months after the completion of the said work; in consequence whereof the said Thomas Lynch undertook and completed the said piece of work; and that in and by the above mentioned Act the said commissioners, or a majority of them, were authorized to lay and raise a tax or assessment on all the male inhabitants in the said parish from the age of sixteen to the age of sixty years, sufficient to pay off and discharge the expense of making the said causeway; as by the said Act, reference being thereunto had, will more fully appear; and that the war, and the confusion consequent thereon, at that time prevented the said commissioners from making the said assessment pursuant to the terms of the said Act; and that he, the said Hugh Horry, is the only survivor of the said commissioners, and as such has been sued by the executors of the said Thomas Lynch, for the sum of money stipulated to be paid by the said contract, together with interest thereon; and it is necessary and proper that some provision should be made for paying off the sum of money which may be due on the said contract.

Prince George Parish to pay by assessment the heirs of T. Lynch.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if the said Representatives of the said Thomas Lynch, deceased, shall, on the contract beforementioned, recover a verdict against the said Hugh Horry, any verdict so recovered, together with all costs and charges necessarily incurred by him in and about his defence, shall be paid in the manner herein after directed; that is to say: all the taxable property within the lines which, on the twentieth day of March, in the year of our Lord one thousand seven hundred and seventy-one, were the boundaries of the parish then called the parish of Prince George Winyaw, shall be taxed, rated and assessed, by the commissioners hereinafter appointed for that purpose, in such manner and proportion, and at such rate, agreeably to the rules and proportions of the Act for raising supplies for the year one thousand seven hundred and ninety-one, as will be necessary to make up the sum or verdict so recovered as aforesaid against the said Hugh Horry, together with his costs and charges aforesaid, to be paid by the respective owners of such property, in such proportions, and at such periods, as the said Hugh Horry would be obliged to pay the same, if this Act had not been passed.

II. *And be it further enacted* by the authority aforesaid, That William Bratford, Jacob William Harvey, Richard Godfrey, William Hemmings-

way and Thomas Allston, be, and they are hereby appointed, commissioners for the purposes before mentioned, and they and a majority of them are hereby vested with all and every such power and powers, to carry into effect the true intent and meaning of this Act, as are vested in the collectors of the general tax of this State, and in like manner shall be subject to the same pains and penalties to which the said collectors are liable.

A. D. 1791.

Commissioners appointed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of the Sovereignty and Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO PERMIT THE EXHIBITION OF THEATRICAL ENTERTAINMENTS, No. 1531.
UNDER CERTAIN REGULATIONS.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, that the intendant and wardens of the City of Charleston, and the intendant and wardens in Camden, and the magistrates in each of the election Districts throughout the State, may permit and licence persons to exhibit theatrical entertainments, within the bounds of their respective jurisdictions, any thing contained in the Act entitled "An Act for the promotion of industry and suppression of vagrants, and other idle and disorderly persons," to the contrary thereof in anywise notwithstanding; and the persons who shall be so licenced are hereby excepted from the pains and penalties inflicted by the said Act; and that for every licence granted in the City of Charleston, a sum of one hundred pounds, and for every licence granted elsewhere, the sum of twenty-five pounds, shall be paid into the public treasury, for the use of the State; and such licence shall continue in force for one year from the granting thereof, and no longer.

Theatrical Exhibitions to be licenced.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE HOLDERS OF THE FOREIGN DEBT IN FRANCE No. 1532.
TO REDEEM THE SAME IN AMSTERDAM.

WHEREAS, it has been represented to the Legislature, by John Splatt Cripps and William Crafts, that the foreign creditors of this State, whose debts are payable in France, would be able to transfer the same to their satisfaction, provided the said debts were made redeemable in the city of

Preamble.

A. D. 1791.

Amsterdam: and whereas, it is incumbent on this State to facilitate the negociation of the said debts:

Debited reman-
ble in Amster-
dam.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by authority of the same, That the said John Splatt Cripps and William Crafts, or their assigns, be, and they are hereby, authorized, on the part of the said creditors or their assigns, whose debts are payable in France, upon the delivery of the evidences of the said debts, to register the same at the treasury of this State, redeemable in the city of Amsterdam, whereby the said creditors shall be entitled to all the benefits of an Ordinance entitled "An Ordinance for funding and ultimately discharging the foreign debt of this State."

Agents to
negotiate the
transfer.

II. *And be it further enacted* by the authority aforesaid, That the said John Splatt Cripps and William Crafts, or their assigns, be, and they are hereby, authorized and empowered, on the part of this State, to negotiate the transfer of the said debts.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

- No. 1533. AN ACT to make and establish the Vestries and Churchwardens of the Episcopal Churches of the Parishes of St. Philip and St. Michael, in Charleston, two separate and distinct bodies politic and corporate, and to enlarge their powers.

(Passed December 20, 1791. See last volume.)

- No. 1534. AN ACT TO ESTABLISH CERTAIN WAREHOUSES FOR THE INSPECTION AND STORAGE OF TOBACCO, AT THE PLACES THEREIN MENTIONED.

Preamble.

WHEREAS, application has been made by sundry persons praying that inspections for tobacco might be erected and established at certain places hereinafter mentioned;

Tobacco ware-
houses to be
erected.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That proper warehouses shall be erected by the commissioners hereinafter appointed, where tobacco, previous to its being exported or exposed for sale, may be brought for inspection, and after being passed shall be deposited till called for, for exportation; which warehouses shall be established at the following places, that is to say: one warehouse at the plantation of John Sharp, on the Savannah river, Abbeville county, opposite the place in Georgia called Petersburg; one warehouse at Cambridge, in the district of Ninety-Six; one warehouse at the

town of Orangeburg; one warehouse on Savannah river, at Drury Pace's ferry; one warehouse on the west bank of Broad river, at Hendersonburgh.

A.D. 1791.

II. *And be it further enacted* by the authority aforesaid, That Jos. Colhoun, Esq. Fleming Bates, Ebenezer Petigree, Higginson Barksdale, and Joseph Milligan, shall be commissioners for the warehouse at John Sharp's plantation; James Goudey, John Merriweather and Wm. Huggins, shall be commissioners for the warehouse at Cambridge; and Jacob Weymer, John Chevillet and David Rumph, shall be commissioners for the warehouse at Orangeburgh; and Drury Pace, Robert Ware, and Samuel Scott, shall be commissioners for the warehouse at Drury Pace's ferry, in Edgefield county; and William Farr, Nathan Glen, and James Glen, shall be commissioners for the warehouse at Hendersonburgh. And the said commissioners shall be, and are hereby, vested with all the powers, authorities, privileges and benefits, and shall be subject to all the duties and penalties to which commissioners of other inspections are or made liable by any law of this State. And the owners of the lands on which the warehouses may be built, and the officers and servants at each of the said warehouses, shall also be entitled to all the profits and emoluments, subject to all the duties, and liable to all the penalties, given, created and imposed by any law of the said State.

Commissioners appointed.

III. *And be it further enacted* by the authority aforesaid, That copies of this law, and also of all preceding laws respecting the inspection of tobacco, now in force, be transmitted by the commissioners of the treasury to the board of commissioners of each respective inspection throughout the State.

Copies of the tobacco laws to be sent to each inspection.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners for building warehouses and appointing inspectors of tobacco, already appointed or hereafter to be appointed, shall have power to settle with and receive from the inspectors, at the respective warehouses, all surplus money that may be in their hands, at the expiration of every year; and on the inspectors refusing or neglecting to pay the said balance or surplus, the said commissioners shall have full power and authority to compel payment of the same.

Commissioners to compel payment of surplus monies.

V. *And be it further enacted* by the authority aforesaid, That the commissioners of the tobacco warehouses known by the name of Hammond's, Pickens's and Campbell's warehouses, are respectively empowered to lower such of the taxes as have been laid by law, for the purpose of defraying the expenses of inspection.

Taxes to be reduced.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of American Independence.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT to incorporate the Grand Lodge, and the several Lodges under the jurisdiction thereof, of South Carolina Ancient York Masons. No. 1535.

(Passed December 20, 1791. See last volume.)

A. D. 1791.

No. 1535. AN ACT for incorporating the Society of Free and Accepted Masons in this State.

(Passed December 20, 1791. See last volume.)

No. 1537. AN ACT TO REPEAL SUCH PARTS OF AN ACT OF THE GENERAL ASSEMBLY, PASSED MARCH 19, A. D. 1785, ENTITLED "*An Act for erecting and establishing a College in the Village of Wmnsborough, in the District of Camden, a College in or near the City of Charleston, and a College at Ninety-six, in the District of Ninety-six, in the State of South Carolina,*" AS RELATE TO THE COLLEGE ESTABLISHED IN CHARLETON, AND FOR CONTINUING THE SAID COLLEGE IN CHARLESTON, UNDER OTHER REGULATIONS.

Preamble. WHEREAS it appears to the Legislature, that many inconveniences have arisen in carrying into execution the Act entitled "*An Act for erecting and establishing a College in the Village of Wmnsborough, in the District of Camden, a College in or near the City of Charleston, and a College at Ninety-six, in the District of Ninety-six, in the State of South Carolina,*" passed the nineteenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, both as to the time of election of officers among the trustees of Charleston College, and as to the other stated times and places of meeting of the trustees of the said College; and also that by blending the regulations for the said three Colleges into one Act, doubts had arisen in many instances as to the construction of the same; for remedy whereof,

Trustees of the
College of
Charleston.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, that Thomas Bee, Esq. President, Richard Hutson, Esq. Vice-President, Daniel Desmasure, Esq. Treasurer, (the present officers) and the rest of the trustees of the College of Charleston, duly appointed, that is to say, Charles Pinckney, John Rutledge, Arnoldus Vanderhorst, John Mathews, David Ramsey, Gabriel Manigault, Ralph Izard, William Smith, Charles Cotesworth Pinckney, Thomas Heyward, Jr. Hugh Rutledge, Edward Rutledge, Major Thomas Pinckney, John Lloyd, Daniel Burdeaux, Joseph Atkinson, Roger Smith, and Henry William Desmasure, Esq., and their successors to be elected in manner herein directed, shall, forever hereafter, be one body politic and corporate, in deed and in name, by the style of trustees of the College of Charleston: and that by the same name they and their successors shall and may have perpetual succession, and be able and capable in law to have, receive, take, and enjoy, to them and their successors, lands, messuages, rents, liberties, franchises, and hereditaments of any kind, nature, quality or value, in fee and perpetuity, and also estates for lives and for years, and all sums of money, goods, chattels, and things whatsoever and of whatsoever value, for building, erecting, and supporting the said College in Charleston: provided the same do not exceed in the whole the yearly value of five thousand pounds

sterling; and that by the same name they and their successors shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and before all judges and justices whatsoever, in all actions, pleas, complaints and demands; and to grant, bargain, sell or assign any lands, tenements, hereditaments, goods or chattels; and to act and do all things whatsoever for the uses aforesaid, in as ample manner and force as any natural person or body corporate or politic may by law: that they shall and may have a common seal for the business of them and their successors, with liberty to change, alter, or make new the same from time to time as they shall think proper; and that the land heretofore given and appropriated for a Free-School in Charleston, which was reserved by the aforesaid Act for the use of the said College, shall continue vested in the said trustees and their successors forever, for the purposes aforesaid; any law, usage or custom to the contrary in any wise notwithstanding.

A.D. 1791.

Powers of the corporation.

II. *And be it further enacted*, that the said College at Charleston shall be under the management and direction of twenty-one trustees, or a quorum or board thereof, to be chosen, appointed and perpetuated as follows: The said trustees and their successors shall meet on the Monday preceding the third Wednesday of October, in every year, at the said College in Charleston, between the hours of nine and three, due and public notice thereof being given by the Secretary at least ten days before in the city Gazette, or in writing, and that the major part of those so met shall choose by ballot a president and such other officers as they shall think necessary for the year ensuing. The said president and officers so chosen shall take an oath for the due and faithful execution of their office, to be administered to them by any judge or justice of the peace. On the death, resignation, or removal from the State of any trustee, the president, or, in his absence, the next presiding officer, shall, within three months thereafter, cause the other trustees to be summoned to meet at the College, or such other place in Charleston as may be thought more convenient, after a notice of ten days, and the trustees who shall meet, not less than eleven being present, or a majority of those so met, shall choose by ballot another trustee in the place of the one so dying, resigning, or removing, who shall be vested with all the powers and privileges of his predecessor.

Officers of the College.

III. *And be it further enacted* that the said trustees of the College of Charleston, or a majority of them, shall have full power and authority, from time to time, to make, constitute, and establish such and so many by-laws, rules and orders, as to them shall seem necessary and convenient for the better regulation, government, well ordering and directing of themselves as trustees aforesaid, as well as of the said College in Charleston, and all officers, professors, or other persons by them employed or to be employed in and about the same, and of all students in the said College, and for the better managing, limiting and appointing of all and singular the trusts and authorities in them and each of them reposed and to be reposed, and for the doing, managing, and transacting all things necessary for and concerning the government of the same College, and the same by-laws, rules and orders to put in force and execution accordingly, and the same again at their will and pleasure to alter, change, revoke or annul; all which by-laws, rules and orders, so to be made as aforesaid, shall be binding on each and every of the said trustees, and on all officers, professors, and other persons by them employed, and on all students in the said College, and shall be from time to time by each and every of them inviolably and punctually observed according to the tenor and effect thereof, under the several pains, penalties and disabilities therein expressed, fixed, appointed, or declared; provi-

Regulations of the College.

A. D. 1791.

ded that the same shall be reasonable, and not contrary or repugnant to the laws of this State, or of the Congress of the United States of America.

May confer degrees.

IV. *And be it further enacted* that the said trustees, or so many as shall be fixed on by their by-laws as aforesaid, shall have full power, by the principal or professors of the said College, to grant or confer such degree or degrees in the liberal arts or sciences to any of the students of the said College, or other persons by them thought worthy thereof, as are usually granted and conferred in other Colleges in Europe or America, and to give diplomas, or certificates thereof, signed by them and sealed with the common seal of the trustees of the College, to authenticate and perpetuate the memory of such graduation.

Religious freedom.

V. *And be it further enacted* that no person shall be excluded from any liberty, privilege, immunity, office, or situation in the said College, on account of his religious persuasion, provided he demean himself in a sober, peaceable and orderly manner, and conform to the rules and regulations thereof.

Gifts, Legacies, &c.

VI. *And be it further enacted* that no misuomer of the said College of Charleston shall defeat or annul any gift, grant, devise or bequest to the same, provided the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing whereby any estate or interest was intended to pass to the said College: nor shall any disuser or donoser of the rights, liberties, privileges, jurisdictions and authorities, hereby granted to the said College, create or cause a forfeiture thereof: and that the part or share of all legacies heretofore bequeathed towards the establishment of a College or Colleges to be erected in this State, which by the aforesaid Act were vested in the trustees for Charleston College, shall continue so vested in them and their successors forever for the purposes aforesaid.

May draw a lottery.

VII. *And be it further enacted* by the authority aforesaid. That the said trustees shall be, and they are hereby, fully authorised and empowered to hold and proceed to the drawing of one or two lotteries, and finally to conclude the same, so as to raise in the whole a clear net sum not exceeding three thousand pounds sterling, for the use and benefit of the said College.

Former enact-ments repealed.

VIII. *And be it further enacted* that all and every part of the said Act passed the nineteenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, which relates or appertains solely to the College established in Charleston, shall be, and the same is and are hereby, repealed and made null and void as to the said College, or the trustees thereby appointed. And that this Act shall be deemed a public Act, and judicially taken notice of as such without special pleading: that the same shall be liberally construed, for fully carrying into effect the beneficial purposes hereby intended: and if any person or persons shall be sued for any matter done in pursuance hereof, he, she or they may plead the general issue, give this Act and the special matter in evidence, and on discontinuance by, or judgment against, the plaintiff, shall recover treble costs.

This a public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1791.

No. 1538.

AN ACT TO EXONERATE JAMES POSTELL FROM THE PURCHASE OF TWO TRACTS OF LAND SOLD HIM BY THE COMMISSIONERS OF FORFEITED ESTATES, LATE THE PROPERTY OF JOHN ROSE; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, the commissisoners of forfeited estates did, on the first day of November, in the year of our Lord one thousand seven hundred and eighty-six, sell and dispose of at public auction, to James Postell, two tracts of land, late the property of John Rose, one containing nine hundred and thirty-one acres, and the other, supposed to be two hundred acres, was found to contain one thousand four hundred and sixty acres, and that the last mentioned tract having the timber-land, was essential to the former tract; that one hundred and forty acres of the said two hundred acres, is claimed and taken possession of by John Smith, by which the former tract of nine hundred and thirty-one acres is rendered of little value, and that should the said James Postell be compelled to comply with the terms of said purchase, under these circumstances, it would be highly injurious:

I. *Therefore, be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said James Postell be, and he is hereby, exonerated from the aforesaid purchase.

II. *Be it further enacted* that the said James Postell do pay into the hands of the commissioners of the treasury, on or before the first day of May, in the year of our Lord one thousand seven hundred and ninety-two, the sum of seven shillings for each and every acre of rice land; and also the further sum of three shillings for each and every acre of provision land the said James Postell planted, for each and every year during the term he has been in possession of the same; and shall also deliver on oath to the said commissioners of the treasury, or one of them, a just and true account of the quantity of acres of rice and provision land he annually planted during the term aforesaid.

III. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury shall, as soon as may be, sell and dispose of the two tracts of land aforesaid, giving six weeks notice of the time and place of the intended sale, on a credit of one, two, three and four years; the purchase money to be paid in specie, with interest of seven per cent per annum, also payable in specie at the expiration of each year; and that they shall take bonds, with sufficient landed and personal security in this State, for the said purchase money; which bonds and securities shall be taken in the name of the said treasurers for the use of this State; and the commissioners, and the survivors and survivor of them, are and is hereby empowered and required to execute sufficient titles and conveyances for vesting the aforesaid property, which may be sold by them aforesaid, in the persons who shall respectively purchase the same, their heirs, executors, administrators and assigns, respectively, for the term for which the above mentioned land was sold; any law, usage or custom to the contrary notwithstanding.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1791.

No. 1539.

AN ACT to incorporate the German Friendly Society.

(Passed December 20, 1791. *See last volume.*)

No. 1540. AN ACT to incorporate the Society for promoting and encouraging the Education of Children, and assisting and establishing Schools for that purpose in Beaufort District.

(Passed December 20, 1791. *See last volume.*)

No. 1541. AN ACT PRESCRIBING, ON THE PART OF THIS STATE, THE TIME, PLACE AND MANNER OF APPOINTING ELECTORS OF A PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

Preamble.

WHEREAS, the Constitution of the United States of America has ordained that "each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in Congress," and that "Congress may determine the time of choosing the electors and the day on which they shall give their votes," and that "the day shall be the same throughout the United States." And whereas, Congress, by their Act passed and approved the first day of March, in the year of our Lord one thousand seven hundred and ninety-two, did enact that "electors shall be appointed in each State for the election of a President and Vice President of the United States, within thirty-four days preceeding the first Wednesday in December, one thousand seven hundred and ninety-two, and within thirty four days preceeding the first Wednesday in December in every fourth year succeeding the last election; which electors shall be equal to the number of senators and representatives to which the several States may by law be entitled, at the time when the President and Vice President thus to be chosen should come into office; and that the electors shall meet and give their votes on the first said Wednesday in December, at such place in each State as shall be directed by the Legislature thereof:"

Presidential
electors, when
and how to be
chosen.

It is therefore enacted, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That electors of a President and Vice President of the United States shall be appointed by ballot on the Tuesday preceeding Wednesday the fifth day of December, in the present year, one thousand seven hundred and ninety-two, in the House of Representatives at Columbia, by the Legislature of this State, or by such persons as shall be returned members thereof and shall attend on that day. And also, that the electors of a President and Vice President of the United States shall be appointed by ballot on the Tuesday preceeding the first Wednesday in December, in every fourth year succeeding the last election, in the House of Representatives, at Columbia, by the Legislature of this State which shall be then existing, or by such persons as shall be returned members

thereof and shall attend on that day. And the electors chosen in manner abovementioned, previous to executing their appointment shall, before his Excellency the Governor or Commander-in-chief for the time being, or, in case of his absence, before one of the justices of the quorum, take the following oath or affirmation, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that I will faithfully and conscientiously discharge my duty as an elector of a President and Vice President of the United States: So help me God." And the electors, when so qualified, shall convene at the State House in Columbia, at eleven o'clock in the forenoon of the day above specified, for the election of a President and Vice President, to proceed on that business.

A.D. 1792.

In the Senate House, the third day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO ALTER AND AMEND THE ACT ENTITLED "*An Act to oblige Persons interested in Marriage Deeds and Contracts to record the same in the Secretary's Office of this State.*" No. 1542.

WHEREAS, the Act of the Legislature, passed the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-five, entitled "*An Act to oblige persons interested in marriage deeds and contracts to record the same in the Secretary's office of this State,*" has been found to be defective and inadequate to remedy the mischiefs thereby necessary to be provided against, inasmuch as the sanction or penal clause of the said Act is judicially deemed and declared not to extend to and comprehend such marriage deeds, settlements or contracts as were actually existing at and before the time of passing of the said Act; in remedy whereof,

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all marriage contracts, deeds and settlements which existed and were of legal force and operation at the time of the passing of the said Act, and have not been recorded within the time and manner therein prescribed, after being duly attested and proved shall be recorded or lodged in the secretary's office of this State, within eighteen months after the passing of this Act; otherwise, and in case of neglect and default of recording or lodging the said marriage contracts, deeds and settlements, within the time and in manner therein prescribed and directed, then the same and every thing therein contained shall be, and are hereby declared to be, fraudulent, and null and void, with respect to and against creditors and bona fide purchasers and mortgagees.

Marriage contracts, deeds, and settlements to be recorded.

II. *Be it further enacted* by the authority aforesaid, That all marriage contracts, deeds and settlements, to be made after the first day of June next, shall therein describe, specify and particularize the real and personal estate thereby intended to be included, comprehended, conveyed and passed, or shall have a schedule thereto annexed, containing a description

Future contracts.

A. D. 1792.

and the particulars and articles of the real and personal estate intended to be conveyed and passed by such marriage contracts, deeds and settlements; which said schedule shall be thereto annexed, and signed, executed and delivered by the parties therein interested, at the time of the signing, executing and delivering the said marriage contracts, deeds and settlements, and be subscribed by the same witnesses who subscribed the said marriage contracts, deeds or settlements, and shall be recorded therewith; otherwise, and in default of such schedule and recording thereof as aforesaid, the said marriage contracts, deeds and settlements shall be, and are hereby deemed and declared to be, fraudulent, and null and void, with respect to and against creditors and bona fide purchasers or mortgagees.

Proviso. Provided, that where any marriage settlement shall be made previous to marriage, nothing herein contained shall be construed to extend to make the property settled thereby liable, in default of a schedule, or not being duly recorded, to the payment of any debts contracted by any husband previous to such marriage, but only to such debts and contracts as shall have been incurred and made by the said husband subsequent to the marriage taking place.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America,

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1543. AN ACT to alter and amend the several Acts for establishing and regulating the Circuit Courts throughout this State.

(Passed December 21, 1792. *See last volume.*)

No. 1544. AN ACT to prohibit the importation of Slaves from Africa, or other places beyond Sea, into this State, for two years: and also to prohibit the importation or bringing in Slaves or Negroes, Mulattoes, Indians, Moors or Mustizoes, bound for a term of years, from any of the United States, by land or by water.

(Passed December 21, 1792. *See last volume.*)

No. 1545. AN ACT to grant a further time to the owners of Wharves in Charleston, and other persons having wooden buildings thereon, used as stores only, to pull the same down.

(Passed December 21, 1792. *See last volume.*)

A. D. 1792.

No. 1546.

AN ACT TO REPEAL A PART OF THE ACT PASSED FEBRUARY 19, A. D. 1791, ENTITLED "*An Act for gradually calling in and sinking the Paper Medium, issued by virtue of an Act to establish a Medium of Circulation by way of Loan, and to secure its credit and utility*"; PASSED OCTOBER 12, A. D. 1785; AND FOR OTHER PURPOSES THEREIN MENTIONED.

WHEREAS, by reason of the extraordinary drouth which prevailed during the last summer throughout this State, many of the inhabitants thereof have lost, some a part and others nearly the whole of their crops, whereby they will be deprived of the means of paying such part of the principal of the paper medium by them borrowed, as will become due on the first Wednesday in March next:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the Act passed the 19th day of February, in the year one thousand seven hundred and ninety-one, entitled "*An Act for gradually calling in and sinking the paper medium issued by virtue of an Act entitled An Act to establish a medium of circulation by way of loan, and to secure its credit and utility*," passed the 12th October, 1785, as requires one fifth part of the principal sum borrowed of the said paper medium, to be paid by the borrowers on the first Wednesday in March next, which will be in the year one thousand seven hundred and ninety-three, shall be, and the same is hereby, repealed; and that such fifth part shall be payable at the time when the last payment shall become due under the said Act: Provided, that no borrower of the paper medium who failed to make the payment which was required to be made on the second Wednesday in May, one thousand seven hundred and ninety-one, or who failed to make the payment which was required to be made on the first Wednesday in March, one thousand seven hundred and ninety-two, shall be entitled to the benefit of this Act; unless such borrower shall, on or before the first Wednesday in March next, which will be in the year of our Lord one thousand seven hundred and ninety-three, pay up whatever may be due by such borrower on account of either of the instalments of the principal before mentioned, and the whole of the interest that will become due on the first Wednesday in March, in the year one thousand seven hundred and nine-three, together with all costs and charges which may have accrued in consequence of such borrower's default; but nothing in this proviso contained shall abate or otherwise affect any suit brought or judgment obtained against any person or persons who failed to make payment agreeably to the directions of the said Act, passed on the nineteenth day of February, in the year one thousand seven hundred and ninety-one, or any sale made under or by virtue of the said Act.

Further time allowed to pay the paper medium.

II. *And be it further enacted* by the authority aforesaid, That in every case where the treasurer in Charleston has by virtue of the said Act, or where the commissioners of the loan office have sold the land mortgaged for any of the said paper medium, and the purchaser thereof has failed to comply with the terms of sale, the said treasurer shall proceed against such person or persons hereafter purchasing such lands in the same summary manner as is directed by the Ordinance for regulating public vendues, when purchasers fail to comply with the terms of sale.

Sales to be enforced.

III. *And be it further enacted* by the authority aforesaid, That the treasurer in Charleston shall, on the Wednesday four weeks after the first

A. D. 1792.

Lands mort-
gaged to the
State to be
sold.

Wednesday in March next, expose to public sale to the highest bidder, all such lands as he or the late commissioners of the loan office may have bought in, on account of the State, at any sale made in consequence of any default made by any borrower of the paper medium, on a credit of one, two, three and four years; taking from the purchaser thereof a mortgage of the premises sold, and a bond with approved personal security, bearing interest from the date: Provided, that the said treasurer shall advertise such intended sales in the Gazettes of Charleston and Columbia, for three weeks previous to the time of sale: And provided further, that if the persons who are the borrowers of the paper medium shall pay, on or before the Wednesday four weeks after the first Wednesday in March next, the arrears of interest and principal by them then due, and give such additional security as shall be required by the commissioners of the treasury, then the said lands sold as aforesaid shall be restored, but subject to the original mortgage, in trust for the public; and the former proprietors, or their legal representatives, shall be entitled to the same benefits they would have been entitled to if no default had been made.

IV. *And be it further enacted* by the authority aforesaid, That whenever the said treasurer shall, at any future sale of any land mortgaged for the said paper medium, buy in, on account of the State, any such land, he shall within two months from the time of buying in any such land, as aforesaid, proceed to have the same sold in the same manner and on the same terms as are mentioned in the next preceding clause.

In the Senate House, this twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventh year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1547. AN ACT relating to the recovery of Arrears and other Debts, Dues and Demands, owing to Bodies Corporate by their Members.

(Passed December 21, 1792. See last volume.)

No. 1548. AN ACT TO EXTEND THE TIME FOR TAKING OUT OF THE SECRETARY'S OFFICE SUCH GRANTS OF LAND AS NOW LIE IN THE SAID OFFICE.

Preamble.

WHEREAS, by a clause of the Act entitled "An Act for establishing the mode of granting the lands now vacant in this State, and for allowing a commutation to be received for some lands that have been granted," passed on the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, it is enacted that all grants of land in the secretary's office, and which should not be taken out within twelve months from the passing of that Act, should be then sold to the highest bidder, by the commissioners of the treasury; and such lands have not yet been sold, and it is thought expedient to extend the time of sale still longer;

1. *Be it therefore enacted*, by the honorable the Senate and House of

Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sale of the said lands shall be postponed for twelve months, and no longer; and that if any person shall, within that time, pay up the money due for the land, agreeably to the Act for establishing the mode for granting lands now vacant in the State, and for allowing a commutation to be received for some lands that have been granted, together with the fees due on his grant, and the expenses incurred thereon, he shall be entitled to the said grant and the land thereby granted him; any thing in the said clause of the said Act to the contrary thereof in any wise notwithstanding.

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Further time allowed.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE COUNTY COURTS AND COMMISSIONERS OF THE ROADS TO GRANT LICENCES FOR KEEPING BILLIARD TABLES. No. 1549.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That where county courts are or shall be established, all applications for billiard licences shall be made to the county courts, and where no county courts are established, to the commissioners of the public roads, who shall respectively have the power of granting the same; which licences so granted shall only be of force for one year; and the price for billiard licences (except in Georgetown, the city of Charleston, and the town of Camden) shall be twenty pounds; and the monies so received shall be applied by the persons granting the same as the monies arising from tavern licences have been heretofore applied; and the clerk who makes out the licence as aforesaid shall be allowed for his trouble four shillings and eight pence.

Billiard tables to be licenced.

II. *Be it further enacted* by the authority aforesaid, That if any person or persons not duly licenced agreeably to law shall, at any time hereafter, presume to keep a billiard table, he, she or they shall forfeit the sum of fifty pounds sterling money, to be recovered by bill, plaint or information, in any court of record within this State, by any person who shall inform or sue for the same, one half thereof to be paid to the said informer, and the other half to be applied in the same manner as the money arising from licences granted as aforesaid was intended to be applied by this Act.

Penalty on keeping them unlicenced.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1792.

No. 1550. *AN ACT* FOR RAISING SUPPLIES FOR THE YEAR OF OUR LORD ONE
THOUSAND SEVEN HUNDRED AND NINETY-TWO.

Preamble.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner herein mentioned, should be assessed, raised, and paid into the public treasury of this State, for the use and service thereof :

Rate of taxation on lands.

1. *Be it therefore enacted*, by the honorable the Senate and the honorable the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sum of ten shillings per centum ad valorem on every hundred pounds, to be paid in specie or paper medium, shall be, and is hereby, imposed on all lands granted within this State, and in the manner and under the several regulations hereinafter set forth and expressed, that is to say: No. 1. All tide swamp not generally affected by the salts or freshes, of the first quality, shall be rated at six pounds per acre; of the second quality, four pounds per acre; of the third quality, two pounds per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, at ten shillings per acre; all prime inland swamp, cultivated and uncultivated, at an average of three pounds per acre; second quality, ditto, two pounds per acre; third quality, ditto, one pound per acre; pine barren lands, adjoining or contiguous thereto, at five shillings per acre; salt marsh or inland swamp, clearly proved to the assessors to be incapable of immediate cultivation, five shillings per acre. 2. High river swamp or low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill, on Savannah river, the fork of Broad and Saluda rivers, on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality at three pounds per acre; the second quality at two pounds per acre; the third quality one pound per acre; except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, which shall be assessed at five shillings per acre. 3. All high river swamp, or low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, fifteen shillings per acre. 4. All high lands without the limits of St. Philip's and St. Michael's parishes, on John's island, James island, and on the main, within twenty miles of Charleston, at one pound per acre. 5. All lands on the Sea islands, Stann's island included, or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn or indigo, and not within the limits prescribed in class number four, one pound per acre. 6. All oak and hickory high lands lying below Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, or the boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers four and five, at fifteen shillings per acre. 7. All pine barren lands not included in classes number one, four, and five, to be assessed at one shilling per acre. 8. All oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality, eight shillings per acre; the second quality, five shillings per acre; the third quality, two shillings per acre. 9. All oak and hickory high lands above the old Indian boundary line, the first quality, six shillings per acre; the second quality, three shillings per acre;

the third quality, one shilling per acre. That all lands within the parishes of St. Philip and St. Michael shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country. That the sum of three shillings and six pence per head shall be levied on all slaves; the sum of two dollars per head on all free negroes, mulattoes, and mustizeos, between the ages of sixteen and fifty years: four shillings and eight pence on every wheel of all carriages, (carts, wagons, and drays excepted): and ten shillings per centum ad valorem on all lands and lots and buildings within any city, village, or borough, and on every hundred pounds in trade, factorage, employments, faculties and professions, (clergymen, mechanics, schoolmasters and schoolmistresses excepted)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in specie or paper medium of this State.

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Rate of taxing slaves, &c.

II. *And be it further enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be and they are made liable to the payment of this tax.

Slaves employed on Indian lands.

III. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors, appointed by law, shall, for their services in the discharge of their duties, receive, on closing their accounts with the commissioners of the treasury, five per centum, except the parishes of St. Philip and St. Michael, who are to receive $2\frac{1}{2}$ per centum, on the amount of the taxes by them collected, to be allowed and paid to the said collectors.

Compensation of enquirers, assessors, &c.

IV. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors shall begin their enquiry on the sixth day of February next; and that where all the collectors who were appointed for any parish or county are dead, and the tax returns not closed with the commissioners of the treasury, the collector who shall be thereafter appointed is hereby directed and ordered to demand receipts or to administer an oath, or to procure other satisfactory proof from the persons of the county or parish, that he or they had paid their taxes for the preceding years, in order to discover their taxes still due, and to enable the public to ascertain what sums of money are due by the estates of the deceased collectors; and should the executors or administrators of the deceased collectors refuse to produce the accounts of the deceased, or give information on the subject, the commissioners of the treasury are hereby ordered to put the law in force against the estates of the deceased collectors.

Returns of former taxes to be made.

V. *And be it further enacted* by the authority aforesaid, That the said assessors and collectors appointed by law shall do and perform all and singular the duties appertaining to their office, as described in an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein."

Duty of the assessors and collectors.

VI. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury be, and they are hereby, directed to furnish copies of this Act to each of the assessors and collectors appointed by law, throughout this State, within one month after the passing of this Act, and their reasonable expenses incurred thereby shall be reimbursed.

Treasurers to furnish copies of this Act.

VII. *And be it further enacted* by the authority aforesaid, That all persons any wise liable to pay the taxes hereby imposed, shall, on the sixth day of February, give in a true and just return of the quality and quantity of the lands, slaves and carriages, as are directed to be taxed by law, either

Time of payment of taxes.

A. D. 1799.



in his, her or their own right, or in the right of any other person or persons whatsoever, as guardian, executor, administrator, attorney, agent or trustee, or in any other manner whatever, and shall, on or before the sixth day of May, in the year of our Lord one thousand seven hundred and ninety-three, pay in their taxes to the assessors and collectors by law appointed for the parish, county or district where the party making such return, either by himself or family, resides the greatest part of the year. And that the said assessors and collectors shall pay the same, and settle their accounts with the treasury, on or before the sixth day of June, which will be in the year of our Lord one thousand seven hundred and ninety-three; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Appropriation. VIII. *And be it enacted* by the authority aforesaid, That all the interest of the paper medium issued by virtue of an Act passed the twelfth day of October, in the year of our Lord one thousand seven hundred and eighty-five, now due, or to grow due on or before the first Wednesday in March next, is hereby appropriated to make up any deficiencies of the money proposed to be raised by this Act, so far as conjointly to constitute an adequate fund for discharging all arrearages due in specie, together with the expences of the current year.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1551. *AN ACT* TO ASCERTAIN THE NAMES BY WHICH THE VILLAGES WHERE IN THE DISTRICT COURTS ARE HELD IN PINCKNEY AND WASHINGTON DISTRICTS, SHALL BE KNOWN IN LAW; AND TO PROVIDE UNIFORM SEALS FOR THE SEVERAL DISTRICT COURTS THROUGHOUT THE STATE; AND TO EXEMPT THE PERSONS THEREIN SPECIFIED FROM TOLL AND FERRIAGE.

Preamble. WHEREAS, it is necessary that the places where the District Courts are held in Pinckney and Washington Districts, should be known in law by certain names,

Names of villages.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the place or village on the south west side of Broad River, a little below, and within one mile of the mouth of Pacolet River, being the situation whereon the gaol and court house of the said District have been built, by the direction of the commissioners appointed for that purpose, shall be called Pinckneyville, and by that name shall always be known in law; and that the place or village in Pendleton County in this State, where the gaol and court house of Washington District have been built by the direction of the commissioners appointed for that purpose, being upon land lately conveyed to the said commissioners by the Honorable Brigadier General Charles Cotesworth Pinckney, shall be called Pickensville, and by that name shall always be known in law.

II. And whereas, it is proper that the seals of the several District Courts in this State should be uniform; *Be it further enacted* by the authority aforesaid, That immediately after the passing of this Act the Judges of the Court of Common Pleas shall, at the expense of the State, cause eight seals to be made, one for each of the Districts, of an impression similar to that of the Court of Common Pleas in Charleston District, and as nearly uniform with that seal as they in their judgment shall think proper; except that each seal shall in the legend have the name of the Court in which it is used. One of which said eight seals shall be delivered by the said Judges, or one of them, to the Clerk of each of the District Courts of Georgetown, Cheraw, Camden, Pinckney, Washington, Ninety-six, Orangeburgh, and Beaufort Districts, for the use of the said Court, at or before the next meeting of the said several Courts; after which time the said seals shall always be affixed to such proceedings of the said respective Courts as may require the seal of the said Courts respectively.

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Seals.

III. *And be it further enacted* by the authority aforesaid, That every person going to or from divine service on Sunday, and every person going to or from musters and elections, and every member going to or from the Legislature of the State, and all commissioners of the roads going to and from their stated meetings in their own parish or district, together with their servants and attendants, and all persons in time of alarm in such parts of the State where the alarm is, and every person who shall have to attend any District Court or County Court as a grand juryman, a petit juryman, a juror of the Court of Common Pleas, or a witness in behalf of the State, or a prosecutor in the Court of Sessions, or a constable travelling and employed on the business of the State, shall, free of expense, pass every road, bridge, causeway and ferry, which may lie in his way going to, or about, or returning from either of the said Courts, or the business of the State as aforesaid: and that every person having the care, management or direction, or owning any ferry, toll-bridge or causeway, now or hereafter to be established in this State, shall be bound and obliged to give the same attendance to every such person as aforesaid, without fee or reward, as by law now is or hereafter may be required to be given to any person who is chargeable with toll or ferriage; and in default thereof, shall incur the same penalties as he would incur if a like default had been made with respect to any person who is chargeable with toll or ferriage.

Persons exempted from toll and ferriage.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT FOR VESTING IN THE TOWN COUNCIL OF CAMDEN THE EX- No. 1552.
CLUSIVE POWER OF GRANTING LICENCES FOR RETAILING SPIRITUOUS
AND OTHER LIQUORS, AND FOR KEEPING BILLIARD TABLES, WITHIN THE
LIMITS OF THE SAID TOWN OF CAMDEN, AND APPROPRIATING THE
SUMS ARISING THEREFROM TO THE BENEFIT OF SAID TOWN COUNCIL.

WHEREAS, the Town Council of Camden have, by their petition to the General Assembly, represented that the inhabitants of Camden are

Preamble.

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subject and liable to a very considerable taxation for all the expenses of their corporation, which might be much lessened by having the power vested in them exclusively for granting licences to retail spirituous and other liquors, and for keeping billiard tables within the limits of the said town of Camden, provided they were also authorized to apply the monies which they might receive for granting such licences, to the benefit of the said town council of Camden.

Licenses for re-
tailing liquor
and keeping
billiard tables.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act the said town council of Camden shall have and exercise the sole and exclusive privilege of granting licences for the retailing of spirituous and other liquors, and for keeping billiard tables, within the limits of the said town of Camden.

Prices of licen-
ses.

II. *And be it further enacted* by the authority aforesaid, that all and every person and persons to whom licence shall or may be granted by the said town council for retailing wine, brandy, rum, gin, or any spirituous liquors or strong drink whatsoever, (except whiskey, which may be retailed in any quantity not less than one gallon without licence) in any quantity less than three gallons, within the limits of the said town of Camden, shall pay for every such licence the sum of thirty shillings sterling money, to the town council of Camden, for the use of the said town council; and five shillings to the clerk for making out such licence and the bond accompanying the same. And all and every person and persons to whom licence shall or may be granted for keeping a billiard table within the limits of the said town of Camden, shall pay for every such licence the sum of twenty pounds sterling money, to the said town council of Camden, for the use of the said town council, and five shillings to the clerk for making out the licence and the bond accompanying the same; and every licence which shall be granted by virtue of this Act shall continue and be of force for the term of one year and no longer.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1553. *AN ACT* PRESCRIBING, ON THE PART OF THIS STATE, THE TIMES, PLACES AND MANNER OF HOLDING ELECTIONS FOR REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES.

The State land
off into dis-
tricts.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That this State shall be, and is hereby declared to be, divided into six districts, for the purpose of electing Representatives from this State to Congress, of which Charleston district shall be one; Beaufort and Orangeburgh districts united another; Georgetown and Charley districts united another; Camden district another; Ninety-six district another; and Washington and Pinckney districts united another. And each

of the said six districts shall send one Representative from this State, to the House of Representatives, in the Congress of the United States; who shall be chosen by the persons qualified to vote for members of the House of Representatives of this State.

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II. *And be it further enacted* by the authority aforesaid, That the next election of Representatives from this State to Congress shall be held on the first Monday of February next, and the day following, by the same managers, and at the same places, and be conducted in the same manner, as the elections of members for the State Legislature; and after the day last aforesaid, the said elections shall always be held at the same times and places, and be regulated and conducted by the same managers, and in the same manner, as the elections of members for the State Legislature. And the person who, at any of the said elections, shall have the greatest number of votes in the district of Charleston, and the person who shall have the greatest number of votes in the united districts of Beaufort and Orangeburgh, and the person who shall have the greatest number of votes in the united districts of Georgetown and Cheraw, and the person who shall have the greatest number of votes in Camden district, and the person who shall have the greatest number of votes in Ninety-six district, and the person who shall have the greatest number of votes in the united districts of Washington and Pinckney, shall be the six members from this State to the House of Representatives in the Congress of the United States.

Manner of holding elections.

III. *And be it further enacted* by the authority aforesaid, That the managers in the several election districts throughout the State shall, within twenty days after any election, transmit the ballots by them respectively taken to Columbia, safely and securely inclosed in paper, sealed with their seals, and directed to the Governor or commander-in-chief of the State, or to the Secretary of the State, by a person by them to be employed particularly for that purpose; who, at the time of receiving the said packet, shall take an oath before some magistrate, "safely to convey and deliver such packet agreeably to the direction, sickness and unavoidable accidents excepted: and, in case of sickness, that he will deliver the same in good order, and the seals unbroken at the time of such delivery, to some other person, to be conveyed to Columbia." And the Governor, or the Secretary of the State (as the case may be) on the receipt of any such packet, shall cause to be administered to the person delivering the same the following oath: "I, A B, do solemnly swear, (or affirm, as the case may be) that the paper, or packet, now delivered by me, with the contents, were placed in my hands by the managers of the election district of ———, or by ———, (in case he hath received the same from the messenger first intrusted;) and that the said packet hath not been delivered out of my custody to any person since the same was delivered to me; nor hath such packet, or paper, been opened by me, or by any other person by my knowledge, or with my connivance, or consent: So help me God." Which paper, or packet, so delivered, shall be received by the Governor, or Secretary; and the several persons who shall be employed in conveying the said packets to Columbia, from the several election districts in this State, shall be entitled to receive and shall be paid three dollars per diem, for coming to and going from Columbia, allowing forty miles for each day's journey.

Ballots to be transmitted to Columbia.

Oath.

IV. *And be it further enacted* by the authority aforesaid, That the Governor, or commander-in-chief for the time being, or in case of his sickness, death, or absence, the Lieutenant Governor, on the first Monday in March next, for the first election to be held by virtue of this Act, and on every first Monday in December next, after each succeeding election, shall cause

The Governor shall ascertain and proclaim the election.

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the said returns to be publicly opened, examined and counted, in his presence, at Columbia, by three or more commissioners to be by him, and under his hand and seal, appointed for that purpose, and shall ascertain the number of votes given at the different elections for every person, and what six persons shall have respectively the greatest number of the votes in the said several districts, and shall then deposit the original poll of each of the said six districts, in the office of the Secretary of the State. And after having ascertained what six persons have been elected, as before directed, he shall notify by proclamation, that those persons have been duly elected members of the House of Representatives, in the Congress of the United States. Provided always, that if both the Governor and Lieutenant Governor should be absent from Columbia, the Secretary of the State, together with the three commissioners, to be appointed as herein before mentioned, shall and may open and count the votes, and ascertain the six persons elected as aforesaid, and transmit the result thereof to the Governor, or, in case of his absence or death, to the Lieutenant Governor, to be notified by proclamation as aforesaid: Provided also, that the three commissioners to be appointed as aforesaid shall, in all cases, before they proceed to act in the premises, take an oath before some magistrate, "That they will, faithfully and impartially, and to the best of their skill, discharge the duties required of them by this Act."

Votes to be
counted by the
managers.

V. *And be it enacted* by the authority aforesaid, That the managers of the said elections be, and they are hereby, required the next day after the poll shall be closed, to count over in a public manner the ballots which shall be given in the respective election districts, for the respective candidates or persons ballotted for; and the said managers shall keep an account in writing of the number of votes which each candidate shall have; and shall also transmit to the Governor, with the ballots, a duplicate of such account.

In case of va-
cancies, &c.

VI. *And be it further enacted* by the authority aforesaid, That in case the same person shall be returned for two or more of the said districts, he may within twenty days after the notice shall be given him thereof, choose for which district he will serve: and on his making such choice, or neglecting so to do, within the said term, the Governor, or commander-in-chief, shall direct another election to be held within twenty days thereafter for the vacant district or districts, to be conducted and regulated in like manner as before prescribed: And the Governor, or commander-in-chief, shall proceed in the same manner where the member elected in any of the said six districts refuses to serve, or omits to signify to the Governor or commander-in-chief within twenty days after he has received due notice of his election, his intention of serving. And in case of the death of any person elected, or if his seat shall become vacated by any other means, or if two or more persons shall have equal votes for the same district, the Governor, or commander-in-chief, shall order a new election, as the case may require, to be conducted as nearly as may be in the manner before prescribed.

In the Senate, Heard and read the 10th day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventh year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate*
JACOB READ, *Speaker of the House of Representatives*.

A.D. 1792.



AN ACT TO ESTABLISH AN INSPECTION AND WAREHOUSES AT OR NEAR THE FISH-DAM FORD, ON THE SOUTH SIDE OF BROAD RIVER. No. 1554.

WHEREAS, it has been represented to the Legislature by the inhabitants who live adjacent to the Fish-Dam Ford, that it would tend very much to their and the public convenience to have an inspection and warehouses established at or near the Fish-Dam Ford;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an inspection and two or more warehouses, for the inspection and reception of tobacco and flour, shall be established and erected at or near the said Fish-Dam Ford, on the south side of Broad river, aforesaid, as soon as conveniently may be after the passing of this Act; which, in as far as the same relates to tobacco, shall be subject to all the regulations, restrictions and conditions mentioned, set forth and expressed in and by an Act of the Legislature entitled "An Act for regulating the inspection and exportation of Tobacco," passed the thirteenth day of March, one thousand seven hundred and eighty-nine.

Inspection and
warehouses to
be established
at Fish-Dam
Ford.

II. *And be it enacted* by the authority aforesaid, That Colonel Thomas Brandon, Colonel Joseph Brown, Bernard Glenn, James Glenn, William Kennedy, John Wilson, and William Fair, shall be, and are hereby appointed, commissioners to fix upon the most convenient place at or near the said Fish-Dam Ford, for the said inspection and warehouses. And that the said commissioners, or a majority of them, shall have the power to choose inspectors for the said warehouses, and to make such additional regulations to those prescribed by the aforesaid Act as they, or a majority of them, shall deem expedient and necessary.

Commissioners
appointed.

III. *And be it enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall be, and they are hereby empowered to make such regulations respecting the inspection of flour, as they shall think fit.

Inspection of
flour.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of American Independence.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT FOR ENLARGING THE POWERS OF THE COMMISSIONERS OF COLUMBIA; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1555.

WHEREAS, the restrictive operation of the third clause of an Act entitled "An Act to appoint commissioners to purchase lands for the purpose of building a town, and removing the seat of government thereto," has been found unfavorably to affect the sale of lands in the town of Columbia:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the

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Commissioners
may sell lots.

authority of the same. That the commissioners for the time being of the town of Columbia, may hereafter sell and dispose of, at public auction, after giving thirty days public notice thereof, on a credit of twelve months, any of the lands laid off in the plat of said town, except the streets leading to and the street on the Congaree river, either by large or small parcels, as to them shall seem proper, and for such price as can be procured therefor, so that such sale be not for less than seven guineas per acre; and provided also, that the power hereby vested shall not extend to authorize the sale of any lots of land which lie within the bounds of the streets known by the names of Pickins street, Garrison street, Divine street, and Plain street.

II. *And be it further enacted* by the authority aforesaid, That vendue masters, hereafter selling any lots or squares within the limits of the town of Columbia, shall receive their commissions only for such lands as shall be sold and actually paid for.

III. *And be it further enacted* by the authority aforesaid, That the purchasers of lots of land without the boundaries aforesaid, shall be permitted to erect thereon dwelling houses of any dimensions, or of any materials they may choose; any law to the contrary thereof notwithstanding.

One square
given to the
free school.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners of Columbia be, and they are hereby, authorized to convey to Thomas Taylor, James Taylor, George Wade, James Green Hunt, and Benjamin Waring, and their successors, as trustees for the free school at Columbia, one of the out squares of four acres, of the Land reserved for the use of the public, in the said town of Columbia, for the use of the said free school.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the six-and-sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1556. *AN ACT* TO ESTABLISH A NEW COUNTY, TO BE FORMED OUT OF THE COUNTIES OF CLAREMONT AND CLARENDON: AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, the inhabitants of certain parts of Claremont and Clarendon counties are desirous of having a new county formed out of the said two counties of Claremont and Clarendon; and whereas, the same will be conducive to the convenience of the said counties:

Salem county
established.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act a new county shall be formed out of the aforesaid counties of Claremont and Clarendon, and shall be known and distinguished by the name of Salem county, and shall have the following lines and boundaries, to wit, the line to form the said county shall begin at the district line of Georgetown, on Black river, and shall from thence run on the said line to Lynch's creek, from thence up the said creek to the line of Kershaw county, then on said

line to Scape-whore swamp, thence down Scape-whore swamp to Black river, and down Black river to the beginning, on Georgetown district line. Which said county shall be entitled to county courts, to be holden as follows—the judiciary courts on the first day of April and September, and the intermediate courts on the third Mondays of June and November, in every year; which courts shall hold, exercise and enjoy the several powers, jurisdictions and authorities as are by law vested in the county courts of this State; and that the said county shall be, and is hereby, considered as a part of Camden district.

A. D. 1793.

II. *And be it enacted* by the authority aforesaid, That James Dickey, Thomas Willson, John Singleton, Thomas Chandler, and John McKel-
Commissioners of public buildings.
 veen, shall be, and are hereby appointed, commissioners, with full powers to fix on a convenient place for the erection of a court house and gaol for the said county.

III. *And be it enacted* by the authority aforesaid, That the inhabitants of that part of the said county (formerly included in Claremont county) herein and hereby established, shall be entitled to vote at all elections for members of the Legislature, to represent them in the Legislature of this State, at the court house of said county; and their votes shall be counted with the votes of the inhabitants of Claremont county, as heretofore; and the inhabitants of that part of said county heretofore included in Clarendon county, shall be entitled to vote for members to represent them in the Legislature, at the house of Mrs. Benbow. And the managers of such elections shall meet two days after the close of such elections, at the court house, the managers of the election held within and for the county of Clarendon, to count the votes, and declare the persons duly elected. And the inhabitants of the said county shall vote for a senator, in common with the counties of Claremont and Clarendon, and the votes shall be counted together with the votes of the inhabitants of Claremont and Clarendon counties. And the inhabitants of said county of Salem shall and may vote for a member of Congress, at the places of election hereinbefore mentioned, and their votes shall be returned and counted with the votes of the other inhabitants of Camden district, in the manner prescribed by law for the election of members of Congress.

Elections, how to be conducted in Salem county.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO PERVENT OBSTRUCTIONS TO THE PASSAGE OF FISH IN BIG No. 1557. LYNCH'S CREEK.

WHEREAS, sundry persons, inhabitants of the several counties of Chesterfield, Darlington, Kershaw, and Lancaster, as by their petition to the Legislature is set forth, have experienced many inconveniencies by obstructions to the passage of fish up Big Lynch's Creek; in remedy whereof,

Preamble.

I. *Be it enacted*, by the honorable the Senate and House of Representa-
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Passage for fish
to be made in
Lynch's creek.

tives, now met and sitting in General Assembly, and by the authority of the same, That any person or persons who now have or hereafter may erect any fish dam or fish dams, mill dam or mill dams, hedge or hedges, or other obstruction or obstructions whatsoever, across Big Lynch's Creek, shall, after the passing of this Act, from time to time, and at all times between the fifteenth day of February and the first day of April, in every year, provide and keep a passage, at least eight feet wide, sufficient to let fish freely pass up through such fish dams, mill dams, hedges, and other obstructions across the said creek.

Penalty on
neglect.

II. *And be it further enacted* by the authority aforesaid, That any person or persons who shall neglect or refuse to provide and keep such passage as aforesaid, in his, her or their dams, hedges or obstructions, as aforesaid, shall, for every day he, she or they so refuse or neglect, respectively forfeit and pay the sum of six pounds, lawful money of this State, to be recovered in any court of record having jurisdiction, by any person who shall inform and sue for the same; one moiety to the State, for the use of the county where such suit shall be prosecuted, and the other to the person informing and suing for the same. Provided nevertheless, that no person or persons shall be liable to the forfeiture aforesaid, who shall, during all the time aforesaid, keep open a canal, of the width of eight feet, communicating immediately with the said creek, above and below his, her or their respective mill dam, and of sufficient depth for the free passage of fish.

This a public
Act.

III. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed and taken to be a public Act, and judicially taken notice of as such, without special pleading, and liberally construed for carrying the purposes aforesaid into effect.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1558. **AN ACT** TO ASCERTAIN AND FIX THE LINES OF DIVISION BETWEEN THE COUNTIES OF KERSHAW AND LANCASTER, AND ALSO THOSE BETWEEN THE SAID COUNTY OF KERSHAW AND THE COUNTY OF CLAREMONT, AND BETWEEN THE SAID COUNTIES OF KERSHAW AND RICHLAND.

Preamble.

WHEREAS, by an Act entitled "An Act to establish a County and County Courts in the district of Kershaw," passed the nineteenth of February, one thousand seven hundred and ninety-one, John Simpson, Douglas Starke, Isham Moore, Philip Pearson, Thomas Ballard, Benjamin Waring and Samuel Boykin, were appointed commissioners to survey the lines between the aforesaid counties, and to report to the Legislature thereon; and whereas, the said commissioners have reported in conformity to the directions of the above mentioned Act:

Line between
Kershaw and
Lancaster.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the line

to divide the counties of Kershaw and Lancaster shall commence at and run from Stark's ferry, on the east side of the Wateree river, in a direct line to the ford of Hanging Rock Creek, on the main road leading from Camden to Waxaw's, from thence down the main Charleston road to George Miller's, thence in a direct line to Harrison's Ford, on Great Lynch's Creek; and that the same shall be, and are hereby declared to be, the dividing lines between the said counties of Kershaw and Lancaster.

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II. *And be it further enacted* by the authority aforesaid, That the line to divide the counties of Kershaw and Claremont shall commence at and run from Spivey's ferry aforesaid, in a direct line running to the fork of the road at Garret's old field, from thence to the mouth of a small gut which runs out of the Wateree river to Swift Creek, above General Sumpter's plantation, from thence up the middle of said gut to the Wateree river; and that the same shall be, and are hereby declared to be, the dividing lines between the aforesaid counties of Kershaw and Claremont.

Division lines
of Kershaw and
Claremont.

III. *And be it further enacted* by the authority aforesaid, That the line to divide the counties of Kershaw and Richland shall commence at and run from the Wateree river, immediately opposite to the point or mark terminating the line of division between the two aforesaid counties of Kershaw and Claremont, to Spear's creek, below the mouth of Ragling's creek, in Richland county, from thence up Ragling's creek aforesaid to John Dougherty's on Twenty-five Mile Creek, from thence in a direct line to the mouth of Colonel's creek on the Wateree river, and from thence across the Wateree river to Stark's ferry aforesaid: and that the same shall be, and are hereby declared to be, the dividing lines between the said counties of Kershaw and Richland.

Kershaw and
Richland.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO OBTAIN A MORE ACCURATE SURVEY AND MAP OF THE
STATE.

No. 1559.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Joseph Purcell be, and he is hereby appointed, Geographer to the State, and he is hereby vested with full power and authority to survey all the rivers, creeks, high roads, State lines, district lines, county lines and parish lines of the State; and when the said Joseph Purcell shall have completed his said survey, he, his heirs and assigns, shall have the sole right of publishing and vending the map thereof for the term of twenty years, to commence from the day of first publishing the same; provided, the said map is not drawn on a smaller scale than ten miles to an inch. And if any person or persons shall pirate, sell, publish, or expose to sale, within the said term, without the consent of the said Joseph Purcell, his heirs or assigns, the Map so to be drawn and published by the said Joseph Purcell, such offender or offenders shall forfeit to the said Joseph Purcell, his heirs and

J. Purcell ap-
pointed State
Geographer.Copy-right of
map vested in
him.

A.D. 1792. assigns, such map or maps, and also the sum of two pounds for every other map of the same kind found in his, her or their custody; to be recovered in any court of common pleas in the State, by action of debt, in which no wager of law, essoin, privilege or protection, or more than one imparlance, shall be allowed. Provided, that nothing contained in this Act shall extend, or be construed to extend, to prevent any other person from surveying this State, or any part thereof, and publishing a map of his survey, for the emolument of himself or his assigns.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1560. **AN ACT TO ALTER THE LINE OF DIVISION BETWEEN THE COUNTIES OF LAURENS AND GREENVILLE.**

Preamble. WHEREAS, a number of persons, inhabitants of the upper end of Laurens county, by their humble petition to the General Assembly, have represented many inconveniencies which they are under from the line of division as now established between the aforesaid two counties;

Division lines altered. I. *Be it therefore enacted,* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That as soon after the passing of this Act as may be convenient, the division line between the said two counties of Laurens and Greenville shall be run from the Ford on Enoree river, opposite Zadack's Ford, in a direct course to the widow Killit's, on Raburn's creek, and from thence along the old Indian boundary line to Saludy river; and that the line so run shall hereafter be deemed the division line between the aforesaid two counties.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1561. **AN ACT to incorporate the General Committee for the Charleston Baptist Association Fund.**

(Passed December 21, 1792. See last volume.)

A. D. 1792.

No. 1562.

AN ACT TO ASCERTAIN AND FIX THE LINE OF DIVISION BETWEEN THE PARISHES OF ST. PETER'S AND ST. LUKE'S; AND FOR OTHER PURPOSES THEREIN MENTIONED.

WHEREAS, the commissioners appointed under and by virtue of a Resolve of the Legislature of this State, to run and ascertain the line of division between the parishes of St. Peter's and St. Luke's, having by their report recommended that the main waters of the Great Swamp, as far as the fork at the plantation of the widow Brantley, from thence up the easternmost branch of the said Great Swamp to the plantation of John Audebert, where the said branch joins Cypress Creek, and from thence down the said Cypress Creek to the main swamp of Coosawhatchie, as a proper dividing line between the said parishes:

Preamble.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the said main waters of the said Great Swamp, as far up as the fork at the plantation of the widow Brantley, from thence up the easternmost branch of the said Great Swamp to the plantation of John Audebert, where the said branch joins Cypress Creek, and from thence down the said Cypress Creek to the centre of the main swamp at Coosawhatchie, shall be, and the same is hereby declared to be, the dividing line between the said parishes of St. Peter's and St. Luke's; any law, usage or custom to the contrary notwithstanding.

Lines of division established.

II. And whereas, a division of the board of commissioners of the high roads will be more for the convenience of the inhabitants of the said parish of St. Peter's: *Be it further enacted* by the authority aforesaid, That the commissioners appointed for the road leading from the Great Swamp bridge to the Sister's ferry, and the upper part of the parish, shall be known and distinguished by the name of the Black Swamp Board of Commissioners; and those who shall be appointed for the road leading from the Sister's ferry road to Purysburgh, and the lower part of the parish, by the name of the Purysburgh Board of Commissioners.

Commissioners of roads.

III. *And be it further enacted* by the authority aforesaid, That Joseph Lawton shall be, and he is hereby appointed, a commissioner for the high roads in St. Peter's parish, to join the Black Swamp Board, and Peter Porcher, senior, a commissioner of the said road to join the Purysburgh Board.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1792.

No. 1563. *AN ACT* TO REIMBURSE SUNDRY INHABITANTS OF BEAUFORT DISTRICT THE SUM THEREIN MENTIONED; AND TO MAKE AN APPROPRIATION THEREOF, IN CONFORMITY WITH THEIR PETITION.

Preamble.

WHEREAS, sundry inhabitants in Beaufort District have, by subscription, contributed the sum of four hundred and ninety pounds sterling towards the erection of a gaol, within one mile of Coosawhatchie bridge; and whereas, they have, by their petition preferred to the Legislature, prayed that the said sum of four hundred and ninety pounds should be reimbursed by the State and granted to the president and members of the Society for promoting and encouraging the education of children, and assisting and establishing schools in that district;

Appropriation.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said sum of four hundred and ninety pounds shall be, and the same is hereby, vested in the said President and members of the said society, for the purposes in their petition mentioned, on the following terms and conditions, that is to say, the said president and members of the said Society, or any person by them appointed, shall be entitled to receive from the treasurer of the State aforesaid, annually, and every year during the term of five years, for the use, benefit and behoof of the said Society, the interest of the said sum of four hundred and ninety pounds; and, at the expiration of the said term, shall be, and they are hereby, entitled to receive the aforesaid principal sum of four hundred and ninety pounds.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1564. *AN ACT* to alter and amend an Act entitled "An Act for incorporating divers Religious Societies therein mentioned," so far as the same relates to the Presbyterian Church on Edisto Island.

(Passed December 21, 1792. See last volume.)

No. 1565. *AN ACT* to extend the time for rebuilding the Bridge over Ashley River, which was vested in the late Colonel Richard Hampton, his heirs and assigns, by Act of the Legislature.

(Passed December 21, 1792. See last volume.)

A. D. 1792.

AN ACT TO EMPOWER THE PRESIDENT AND WARDENS OF THE INDIGO SOCIETY IN GEORGETOWN TO ESTABLISH A LOTTERY. No. 1566.

WHEREAS, the President and Wardens of the Indigo Society in Georgetown have, by their petition, represented, that they have a fair prospect of establishing a seminary of learning, and that it would much promote their scheme for that purpose if they could obtain the power to establish a Lottery ;

Preamble.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Paul Trapier, President, and Hugh Horry, and Daniel Tucker, senior and junior, Wardens, of the Indigo Society, and their successors, as a body corporate in law, under the name of the Indigo Society, shall have full power and authority, and they are hereby fully authorized and empowered, to erect and proceed to the drawing, and finally to conclude, a Lottery, for the use and benefit of the said Society. Provided, they do not, by the said lottery, raise a fund exceeding four hundred pounds.

Lottery granted.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT to extend the time allowed by law to Wade Hampton and John Compy, respectively, for building Bridges over the Congaree and Broad Rivers. No. 1567.

(Passed December 21, 1792. See last volume.)

AN ACT TO AUTHORIZE THE TRUSTEES OF CAMBRIDGE COLLEGE, IN THE DISTRICT OF NINETY-SIX, TO ESTABLISH A LOTTERY, FOR THE BENEFIT OF THAT INSTITUTION. No. 1568.

WHEREAS, it hath been represented that the funds of the College of Cambridge, in the District of Ninety-Six, are considerably deranged, and would receive considerable benefit from an authority to establish and draw a lottery, for the purpose of raising a sum for the benefit of the said institution :

Preamble.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Trustees of Cambridge College, or any five of them, to be appointed by a Board of Trustees for that purpose, shall have full power and authority, and they are hereby fully authorized and

Lottery granted to Cambridge College.

A. D. 1792. empowered, to erect and proceed to the drawing, and to conclude, a Lottery, for the use and benefit of the said institution. Provided, they do not, by the said Lottery, raise a sum exceeding five hundred pounds sterling.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of American Independence.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1569. AN ACT to allow John Clement to take and receive the same rates of Ferriage as have been heretofore taken, for the term of seven years after the expiration of the present term; and for other purposes therein mentioned.

(Passed December 21, 1792. *See last volume.*)

No. 1570. AN ACT for laying out certain Roads, establishing certain Ferries and Toll Bridges, and for other purposes therein mentioned; and also to continue in force the Laws for regulating the Militia of this State.

(Passed December 21, 1792. *See last volume.*)

No. 1571. AN ACT FOR RELIEVING AND EXEMPTING JOHN WELLS FROM BANISHMENT.

Preamble.

WHEREAS, John Wells, by his humble petition to the Legislature of this State, hath prayed to be relieved and exempted from the pains and penalties of the Act of Confiscation and Banishment;

John Wells
exempted from
banishment.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said John Wells shall be, and is hereby, relieved and exempted from banishment, and is and shall be permitted to return to and remain in this State; any law to the contrary thereof in any wise notwithstanding.

In the Senate House, this twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1792.

AN ACT TO EXEMPT WILLIAM CARSAN FROM THE PAINS AND PENALTIES OF THE ACT OF CONFISCATION AND BANISHMENT, SO FAR AS IT RELATES TO HIS BANISHMENT. No. 1572.

WHEREAS, William Carsan hath petitioned the Legislature that he may be freed and exempted from the pains and penalties of the Act of confiscation and banishment ;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said William Carsan shall be, and is hereby, relieved and exempted from banishment ; and is, and shall be, permitted to return to and remain in this State : any law to the contrary thereof in any wise notwithstanding.

William Carsan exempted from banishment.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, and in the seventeenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT FOR RAISING SUPPLIES FOR THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY-THREE. No. 1573.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner herein mentioned, should be assessed, raised, and paid into the public treasury of this State, for the use and service thereof :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sum of ten shillings per centum ad valorem on every hundred pounds, to be paid in specie or paper medium, shall be, and is hereby, imposed on all lands granted within this State, and in the manner and under the several regulations hereinafter set forth and expressed, that is to say : No. 1. All tide swamp not generally affected by the salts or freshes, of the first quality, shall be rated at six pounds per acre ; of the second quality, four pounds per acre ; of the third quality, two pounds per acre ; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, at ten shillings per acre ; all prime inland swamp, cultivated and uncultivated, at an average of three pounds per acre ; second quality, ditto, two pounds per acre ; third quality, ditto, one pound per acre ; pine barren lands, adjoining or contiguous thereto, at five shillings per acre ; salt marsh or inland swamp, clearly proved to the assessors to be incapable of immediate cultivation, five shillings per acre. 2. High river swamp or low grounds, cultivated and uncultivated, including such as are commonly called

Rate of taxation on lands.

A. D. 1793.

second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill, on Savannah river, the fork of Broad and Saluda rivers, on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality at three pounds per acre; the second quality at two pounds per acre; the third quality one pound per acre; except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, which shall be assessed at five shillings per acre. 3. All high river swamp, or low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, fifteen shillings per acre. 4. All high lands without the limits of St. Philip's and St. Michael's parishes, on John's island, James island, and on the main, within twenty miles of Charleston, at one pound per acre. 5. All lands on the Sea islands, Skunk's island included, or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn or indigo, and not within the limits prescribed in class number four, one pound per acre. 6. All oak and hickory high lands lying below Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, or the boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers four and five, at fifteen shillings per acre. 7. All pine barren lands not included in classes number one, four, and five, to be assessed at one shilling per acre. 8. All oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality, eight shillings per acre; the second quality, five shillings per acre; the third quality, two shillings per acre. 9. All oak and hickory high lands above the old Indian boundary line, the first quality, six shillings per acre; the second quality, three shillings per acre; the third quality, one shilling per acre. That all lands within the parishes of St. Philip and St. Michael shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country. That the sum of three shillings and six pence per head shall be levied on all slaves; the sum of nine shillings and four pence, per head on all free negroes, mulattoes, and mustizees, between the ages of sixteen and fifty years; four shillings and eight pence on every wheel of all carriages, carts, wagon, and drays (excepted); and ten shillings per centum ad valorem on all lands and lots and buildings within any city, village, or borough, and on every hundred pounds stock in trade, factorage, employments, faculties and professions, collegemen, mechanics, schoolmasters and schoolmistresses excepted—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in specie or paper medium of this State.

Rate of taxing
slaves, &c.

II. *And be it further enacted* by the authority aforesaid, That all negroes and other slaves, who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are made, liable to the payment of this tax;

Slaves employ-
ed on Indian
lands.

III. And whereas, doubts have arisen, and are still subsisting respecting the construction of former tax Acts, inasmuch as the tax collectors have assessed the property of divers religious societies, and also of the incorporated South Carolina Society; And whereas, it was not the intention of the Legislature to subject the said property to taxation; *Be it therefore enacted*, that nothing in this Act, or any former Act contained, shall be construed to impose a tax on any property of any religious society, or of the South Carolina Society.

Religious Soci-
eties exempted.

IV. And whereas, it is the duty of every person claiming of or receiving from this government the protection either of his person or property, to

contribute not only his quota of money, but also those personal services which every citizen is bound to contribute for the support of that government, or to pay an additional tax in lieu of such services; And whereas, there are numbers of persons holding large estates in this country, who reside without the limits of the United States, and annually draw from this State great resources, which are expended in foreign countries without any advantage to this government, to which they are indebted for the protection of their property, *Be it therefore enacted* by the authority aforesaid, that every male person holding, or being entitled to, any taxable property in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on their estate and property; which tax and assessment the tax collectors throughout this State are hereby required to exact and recover from every such person: Provided, nevertheless, that nothing herein contained shall be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State, or of the United States, until one year after the expiration or determination of his commission, or to the property of any young man sent abroad for his education, until he attain the age of twenty-three years, or to the property of any person now absent from the United States, unless such person has been so absent for two years. And provided also, that such double tax be remitted to such of them as shall return to this State within the year one thousand seven hundred and ninety-four, and become residents here.

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Absentees double taxed.

V. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors, appointed by law, shall, for their services in the discharge of their duties, receive, on closing their accounts with the commissioners of the treasury, five per centum, except the parishes of St. Philip and St. Michael, who are to receive $2\frac{1}{2}$ per centum, on the amount of the taxes by them collected, to be allowed and paid to the several collectors.

Compensation of enquirers, assessors, &c.

VI. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors shall begin their enquiry on the first day of February next; and that where all the collectors who were appointed for any parish or county are dead, and the tax returns not closed with the commissioners of the treasury, the collector who shall be thereafter appointed is hereby directed and ordered to demand receipts or to administer an oath, or to procure other satisfactory proof, from the persons of the county or parish, that he or they had paid their taxes for the preceding years, in order to discover their taxes still due, and to enable the public to ascertain what sums of money are due by the estates of the deceased collectors; and should the executors or administrators of the deceased collectors refuse to produce the accounts of the deceased, or give information on the subject, the commissioners of the treasury are hereby ordered to put the law in force against the estates of the deceased collectors.

Returns of former taxes to be made.

VII. *And be it further enacted* by the authority aforesaid, That the assessors and collectors appointed by law shall do and perform all and singular the duties appertaining to their office, as described in an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein."

Duty of the assessors and collectors.

VIII. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury be, and they are hereby, directed to furnish copies of this Act to each of the assessors and collectors appointed by law, throughout this State, within one month after the passing of this Act, and the reasonable expenses incurred thereby shall be reimbursed.

Treasurers to furnish copies of this Act.

A.D. 1793.

Time of pay-
ment of taxes.

IX. *And be it further enacted* by the authority aforesaid, That all persons any wise liable to pay the taxes hereby imposed, shall, on the sixth day of February, give in a true and just return of the quality and quantity of the lands, slaves and carriages, as are directed to be taxed by law, either in his, her or their own right, or in the right of any other person or persons whatsoever, as guardian, executor, administrator, attorney, agent or trustee, or in any other manner whatever; and shall, on or before the first day of April, in the year of our Lord one thousand seven hundred and ninety-four, pay in their taxes to the assessors and collectors by law appointed for the parish, county or district where the party making such return, either by himself or family, resides the greatest part of the year. And that the said assessors and collectors shall pay the same, and settle their accounts with the treasury, on or before the first day of June, which will be in the year of our Lord one thousand seven hundred and ninety-four; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Appropriation.

X. *And be it further enacted* by the authority aforesaid, That all the interest of the paper medium issued by virtue of an Act passed the twelfth day of October, in the year of our Lord one thousand seven hundred and eighty-five, now due, or to grow due on or before the first Wednesday in March next, is hereby appropriated to make up any deficiencies of the money proposed to be raised by this Act, so far as conjointly to constitute an adequate fund for discharging all arrearages due in specie, together with the grants and expenses of the current year.

The paper me-
dium, when to
be paid.

XI. *And be it further enacted* by the authority aforesaid, That the principal sum of the said paper medium shall be required and paid in annually, in manner following, to wit: one-fifth part thereof, with the whole interest due, shall be paid on the first Wednesday in March, one thousand seven hundred and ninety-five; one other fifth, with all the interest due, on the first Wednesday in March, one thousand seven hundred and ninety-six; one other fifth, with all the interest due, on the first Wednesday in March, one thousand seven hundred and ninety-seven; one other fifth, with all the interest due, on the first Wednesday in March, one thousand seven hundred and ninety-eight; and the remainder, with all the interest due, on the first Wednesday in March, one thousand seven hundred and ninety-nine: Provided always, nevertheless, that no person shall be entitled to the benefit of this clause of this Act, who shall not give an additional security, if required by the Treasurer of Charleston: and it is hereby declared to be the duty of the Treasurer of Charleston to require it in all cases, where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has been heretofore due, or which shall be made in paying the interest to grow due in March, one thousand seven hundred and ninety-four.

Lands sold for
default.

XII. *And be it further enacted* by the authority aforesaid, That the Treasurer in Charleston shall be authorized to expose to public sale, to the highest bidder, on the second Wednesday in June next, all such lands as he or the late commissioners of the loan office may have bought in on account of the State, at any sale made in consequence of any default made by any borrower of the paper medium, payable on the first Wednesday in March, one thousand seven hundred and ninety-five; on the first Wednesday in March, one thousand seven hundred and ninety-six; on the first Wednesday in March, one thousand seven hundred and ninety-seven; on the first Wednesday in March, one thousand seven hundred and ninety-eight; and on the first Wednesday in March, one thousand seven hundred and ninety-nine; taking from the purchasers thereof a mortgage of the

premises sold, and a bond with approved personal security, bearing interest from the date. Provided, that if the persons who are the borrowers of the paper medium shall pay, on or before the Wednesday four weeks after the first Wednesday in March next, all the arrears of interest and principal by them then due, and give such additional security as shall be required by the commissioner of the said treasury, then the said lands sold as aforesaid shall be restored, but subject to the original mortgage in trust for the public; and the former proprietors, or their legal representatives, shall be entitled to the same benefits they would have been entitled to if no default had been made.

A.D. 1793.

XIII. *And be it further enacted* by the authority aforesaid, That so much of an Act passed the twenty-first day of December, one thousand seven hundred and ninety-two, entitled "An Act to repeal a part of the Act passed the nineteenth of February, one thousand seven hundred and ninety-one, entitled an Act for gradually calling in and sinking the paper medium, issued by virtue of an Act entitled an Act to establish a medium of circulation by way of loan, and to secure its credit and utility, passed the twelfth day of October, one thousand seven hundred and eighty-five, and for other purposes therein mentioned," as shall be repugnant to the preceding clauses of this Act, be, and the same is hereby, repealed.

Calling in and
sinking the pa-
per medium.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-three, and in the eighteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

ESTIMATE

Of supplies wanted for the support of Government, for the year 1793.

SALARIES, AS SETTLED BY LAW.

The Governor,	-	-	-	-	-	-	£900 00 00
Secretary to the Governor,	-	-	-	-	-	-	100 00 00
Chief Justice,	-	-	-	-	-	-	800 00 00
Four Associate Judges, each £600,	-	-	-	-	-	-	2400 00 00
Three Judges of the Court of Equity, each £500,	-	-	-	-	-	-	1500 00 00
Attorney General, for giving advice to the Governor and other public officers,							
in matters of public concern, in addition to his other duties,	-	-	-	-	-	-	200 00 00
Three Circuit Solicitors, each £100,	-	-	-	-	-	-	300 00 00
Treasurer in Charleston, for salary as Treasurer, and for transacting the business							
of the Loan Office, and Clerks,	-	-	-	-	-	-	740 00 00
Treasurer in Columbia, for his salary and clerk,	-	-	-	-	-	-	500 00 00
Clerk of the Senate, and Clerk of the House of Representatives, each £287	-	-	-	-	-	-	574 00 00
Two Messengers, one for each house, at £70 each,	-	-	-	-	-	-	140 00 00
Two doorkeepers, ditto, at fifty pounds each,	-	-	-	-	-	-	100 00 00
Keeper of the State House and public offices in Columbia,	-	-	-	-	-	-	30 00 00
Arsenal keeper and Powder receiver,	-	-	-	-	-	-	50 00 00
Incidental charges,	-	-	-	-	-	-	3241 10 11
Contingent accounts passed, delivered the present session,	-	-	-	-	-	-	7682 09 10
Transient poor,	-	-	-	-	-	-	1000 00 00
Printer's bill, for extras,	-	-	-	-	-	-	300 00 00
Contingent fund, subject to the Governor's drafts,	-	-	-	-	-	-	1000 00 00
Fort Johnson,	-	-	-	-	-	-	355 00 00
Expenses of members for the present session,	-	-	-	-	-	-	1400 00 00
Debt due to Mr. Burn,	-	-	-	-	-	-	4000 00 00

A. D. 1793.	Commission on receiving taxes,	-	-	-	-	2000 00 00
Commissioners for settling public accounts, for one year's salary due to them,						1000 00 00
Arrearages of Annuities, including the present year,						2500 00 00
The Rev. Mr. Logue, for preaching before the members of the Legislature at their November session, 1793,						15 00 00
Expenses of finishing the two large rooms in the State House at Columbia,						402 14 02
Salary of the Magazine and Arsenal Storekeeper at Abbeville Court House, at the rate of twenty pounds per annum,						20 00 00

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1574. AN ACT to incorporate the Episcopal Church on Edisto Island, the Primitive Methodists of Trinity Church, Charleston, and the Primitive Methodists of Ebenezer Church, Georgetown.

(Passed December 21, 1793. *See last volume.*)

No. 1575. AN ACT to incorporate the United Independent Congregational Church of Dorchester and Beach Hill, in the Parishes of St. George and St. Paul.

(Passed December 21, 1793. *See last volume.*)

No. 1576. AN ACT TO ASCERTAIN AND FIX ON SOME MORE CONVENIENT AND CENTRAL SITUATION FOR THE COURT HOUSE AND OTHER PUBLIC BUILDINGS FOR THE COUNTY OF GREENVILLE.

Preamble. WHEREAS, a number of the inhabitants of Greenville county have preferred their petition to the Legislature, praying that the court house and other necessary public buildings for the said county might be erected in some more convenient and central situation than that in which they now are:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the commissioners hereinafter named shall be, and they are hereby, authorized and fully empowered to assemble and consult on the most suitable and convenient place for holding the said court for the county aforesaid, having respect to the central situation of the same with regard to all the inhabitants of the said county.

II. *And be it further enacted* by the authority aforesaid, That the court for the said county of Greenville shall be held at some place contiguous to the spot hereafter to be ascertained and fixed by the commissioners, until the court house and other public buildings are erected, and that all

Court house,
&c. to be erected
at new central
situation.

records and papers appertaining to the said court shall be removed by the judges of the said court, as soon as conveniently may be, after the passing of this Act.

A. D. 1793.

III. *And be it further enacted* by the authority aforesaid, That Henry Mitchell Wood, Larkin Tarrant, John Thomas, junior, and James Harrison Barret, be, and they are hereby appointed, commissioners for carrying this Act into execution; and that the place to be fixed on by the commissioners, or a majority of them, shall be the permanent place for holding the court in the county aforesaid; any law, usage or custom to the contrary in any wise notwithstanding.

Commissioners appointed.

In the Senate House, this twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-three, and in the eighteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT to alter and change the times for holding several County Courts; and for other purposes therein mentioned. No. 1577.

(Passed December 21, 1793. *See last volume.*)

AN ACT to incorporate the Vigilant Fire Company in Charleston. No. 1578.

(Passed December 21, 1793. *See last volume.*)

AN ACT FOR THE TRIAL AND PUNISHMENT OF PERSONS GUILTY OF MURDER OR MANSLAUGHTER, AND THEIR ACCESSARIES, WHERE THE DECEASED MAY BE WOUNDED, POISONED, OR OTHERWISE INJURED, IN ONE DISTRICT, AND DIE THEREOF IN ANOTHER. No. 1579.

WHEREAS, it is necessary to provide some mode for trying and punishing persons guilty of murder, manslaughter or homicide, in cases where the mortal wound or injury may be given or done in one district, and the party wounded or injured may die thereof in another :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That where any person shall be feloniously struck, wounded, poisoned, or otherwise injured, in one district, and die thereof in another, any inquisition or indictment thereon, found by jurors of the county or district where the death shall happen, whether it be found before the coroner, upon the sight of such dead body, or before the justices of peace, or other justices or commissioners lawfully authorized to enquire of such offences, shall be as good and effectual in the law, as if the stroke, wound, poisoning, or other injury, had been committed and done in the

Trials for murder, manslaughter, &c. how to be conducted in certain cases.

A. D. 1793.

same county or district where the party shall die; and the person or persons guilty of such striking, wounding, poisoning, or other injury, and every accessory thereto, either before or after the fact, shall be tried by and before the same court, and (if convicted) punished in the same mode, manner and form, as if the deceased had suffered such striking, wounding, poisoning, or other injury, in the same county or district where he, she or they thereof died.

In the Senate House, this twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-three, and in the eighteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1580. *AN ACT* FOR THE ELECTION OF COMMISSIONERS OF THE POOR IN THOSE COUNTIES WHERE COUNTY COURTS ARE ESTABLISHED.

WHEREAS, it is found necessary that commissioners of the poor be elected in those counties where county courts are established:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That five commissioners of the poor, in each of the counties where county courts are established, shall be elected at the same times and places, and in the same manner and form, and the elections shall be conducted by the same persons as are named for that purpose in the Act entitled "An Act authorizing the inhabitants of the Election Districts, where county courts are not established, to choose commissioners of the poor." And that the commissioners so to be elected shall have all the authority, powers and privileges which are vested in, and be liable to all the pains and penalties which are imposed upon, the commissioners of the poor by that Act; to the end that the said Act shall be in full force and complete operation in all the counties in this State where county courts are established.

In the Senate House, this twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-three, and in the eighteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1581. *AN ACT* to enable the Circuit Court of Georgetown, at the ensuing Term, to meet on the twenty-eighth day of March next, instead of the first day of April; for extending the time for holding the Courts in Ninety-Six District; for the better advancement of justice in the Courts of Law and Equity; and for other purposes therein mentioned.

(Passed December 21, 1793. See last volume.)

A.D. 1794.

AN ACT to organize the Militia throughout the State of South Carolina, in conformity with the Act of Congress. No. 1582.

(Passed May 10, 1794. See last volume.)

AN ACT TO EXTEND AN ACT ENTITLED "*An Act to provide for the final settlement of the accounts of the former Commissioners of the Treasury, and other Public Departments, and of all other persons having accounts with the State.*" No. 1583.

I. *Be it enacted*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "*An Act to provide for the final settlement of the accounts of the former commissioners of the treasury, and other public departments, and of all other persons having accounts with the State,*" be, and the same is hereby, extended until the first day of January next, unless the objects thereof shall be sooner accomplished, and the Legislature be enabled to discharge the commissioners from the trusts created by the same. A former Act extended.

In the Senate House, the tenth day of May, in the year of our Lord one thousand seven hundred and ninety-four, and in the eighteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT TO CLOSE THE LAND OFFICE FOR AND DURING THE TERM OF FOUR YEARS, UNDER CERTAIN LIMITATIONS; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1584.

WHEREAS, a spirit of speculation and land-jobbing hath gone forth, and many persons, greedy of gain, have embarked in such schemes, and have obtained, and still continue to obtain, large and excessive grants of land, without any regard to their being granted, and even settled, and without distinguishing in the plats the numerous surveys included within the boundaries of their plats and grants, with a view to impose upon, deceive and cheat unwary foreigners, by sales of such pretended vacant lands; and whereas, no plan can be devised so effectually to check and defeat these iniquitous schemes as to shut up the land office, except for grants not exceeding five hundred acres, for a reasonable time: Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, that the land office be, and the same shall be, so far closed, for the Grants of land restricted.

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term of four years, that within that period no one person shall obtain more than one grant for land to be hereafter surveyed, which shall in no case exceed five hundred acres; and that no warrant of survey shall be issued by any commissioners of locations within this State for any number of acres exceeding five hundred acres; and not more than one such warrant to any one person, during the aforementioned period of four years.

Remedy for
false surveys.

II. *And be it further enacted* by the authority aforesaid, That where any warrants have been issued previous to the passing of this Act, if any deputy surveyor, in locating them, shall knowingly and wilfully comprehend within the limits of any such location, any plantation or tract of land before granted, without noting the same, and if the said warrants shall be hereafter carried into grants, or where there are any grants for land now actually made out, signed, and ready to be delivered, or where any plats are returned to the office of the Surveyor General or Secretary of the State, and shall be hereafter carried into grants, which plats or grants comprehend within their respective limits any plantation or tract of land before granted, without the same being marked and noted, it shall be lawful for any of the proprietors of the plantations or tracts so before granted, or any other person interested therein, to bring his action of trespass against the grantee of the subsequent grant, which comprehends the prior one, or any part thereof, his heirs or assigns, or any or all of them; and on his substantiating by proof, to any district court and jury within whose jurisdiction the land lies, that his land, or part thereof, is actually comprehended in the subsequent grant, a verdict shall be found in his favor, and the court shall declare the subsequent grant, and every part thereof, to be fraudulent and void to all intents and purposes; and the plaintiff shall recover such damages as the jury shall assess, and treble costs of suit.

Remedy for
certain unlaw-
ful grants.

III. And whereas, since the passing an Act entitled "An Act for establishing the mode of granting the lands now vacant in this State, and for allowing a commutation to be received for some lands that have been granted," passed the 19th day of February, 1791, divers grants of large tracts of land have been obtained, which included one or more surveys which have not been elapsed, the property of others, without taking notice of or designating the same in their plats, and without obtaining the consent of the said proprietors, and without their knowledge; and whereas, the lands in this State are so generally granted that no person could suppose that there were in this State such large bodies of vacant land, from which it appears that the intention of the aforementioned persons must have been to oblige the inhabitants who are settled within the boundaries and limits of the aforesaid plats to produce their titles, or, if they had lost them in the war or by other accidents, to seize their lands as vacant, and by producing such grants to unwary foreigners, may deceive them by the appearances of regularity and authority on the face thereof, and may involve them in purchases ruinous to them and prejudicial to the credit and reputation of the State: In order, therefore, to prevent the alarms of the people, and the great litigation and numerous suits that may arise from the said unreasonable, excessive and unlawful surveys and grants, and to prevent imposition on foreigners and citizens of other States, *Be it enacted and declared* by the authority aforesaid, That the said surveys were made in violation of the instructions given to the deputy surveyors in this State; that the said grants have been obtained contrary to the intention of the Legislature, in establishing the mode of granting the lands now vacant in this State; that the Governor must have been deceived when he signed the same; and that, on its being proved, in the manner before enacted, to the satisfaction

of any district court and jury, within whose jurisdiction the land lies, that such grants actually contained within their limits one or more settlements, the property of others under former surveys, without taking notice of or designating the same in their plats, and obtaining their consent (where such consent could have been obtained) to run the same, the court shall declare the said grants to be fraudulent, and the same shall be void to all intents and purposes.

A. D. 1794.

IV. *And be it further enacted* by the authority aforesaid, That every surveyor who shall have wilfully and knowingly violated the instructions of the Surveyor General, in not marking out the boundaries of all lands formerly granted, and which are within the surveys by him or them made, shall be prosecuted by the Attorney General and Circuit Solicitors of the respective districts, on proper application being made to either of them.

Deputy surveyors not following instructions, to be prosecuted.

V. Whereas, John Sloan, and the Rev. John Monk, and William Hill, junior, by their petitions to the Legislature, have set forth that they had, at considerable expense, erected a Bloomery on South Edisto, in Edgefield county, for manufacturing of iron ore into bar iron; and whereas, under the existing laws of the State, and the regulations of this Act, it is impossible for the said petitioners to run a sufficient quantity of vacant land to enable them to conduct and prosecute the said Bloomery with advantage or effect, and it being an object of great national importance to encourage the manufacture of raw materials; *Be it therefore enacted* by the authority aforesaid, That the commissioner of location for the district of Ninety-Six be, and he is hereby, authorized and required to issue his warrants, one in behalf of John Sloan, for six thousand acres of land, and another in the joint behalf of said John Sloan, the Rev. John Monk and William Hill, junior, for ten thousand acres of vacant land, the nearest to the said iron works; and that the said land, so to be located, be granted to the said persons; any thing in this Act contained, or any law to the contrary thereof, in any wise notwithstanding.

Grants of land for iron works.

In the Senate House, this tenth day of May, in the year of our Lord one thousand seven hundred and ninety-four, and in the eighteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT to incorporate the Port Republic Bridge Company, and to authorize them to build a Bridge and Causeways. No. 1585.

(Passed May 10, 1794. See last volume.)

AN ACT TO EXTEND THE TIME FOR TAKING OUT OF THE SECRETARY'S No. 1586.

OFFICE SUCH GRANTS OF LAND AS NOW LIE IN THE SAID OFFICE;
AND FOR OTHER PURPOSES THEREIN MENTIONED.

WHEREAS, by a clause of the Act entitled "An Act for establishing the mode of granting the lands now vacant in this State, and for allowing

Preamble.

A. D. 1794.

a commutation to be received for some lands that have been granted," passed on the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, it is enacted that all grants of land in the Secretary's office, and which should not be taken out within twelve months from the passing of that Act, should be then sold to the highest bidder by the commissioners of the treasury; and such lands have not been sold, and it is thought expedient to extend the time of sale still longer:

Sale of lands postponed.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sale of the said lands shall be postponed to the fifteenth day of December next, and no longer; and that if any person shall, before that time, pay up the money due for the land, agreeably to the "Act for establishing the mode for granting lands now vacant in this State, and for allowing a commutation to be received for some lands that have been granted," and the expenses incurred thereon, which expenses it is hereby declared shall not exceed six shillings for any one tract of land, he shall be entitled to the said grant, and the land thereby granted to him; any thing in the said clause of the said Act, or any Act or Resolution of the Legislature of this State, to the contrary thereof in any wise notwithstanding. Provided always, that nothing in this Act shall be construed to authorize the taking out of grants for the excessive surveys of land which have been made since the first day of April, one thousand seven hundred and ninety-one.

Commissioners to be appointed.

II. *And be it further enacted* by the authority aforesaid, That ten commissioners be appointed by the Governor in each circuit court district, who shall be required to return to the Legislature at their next meeting an account of all such lands as have escheated to the State, agreeably to the Act entitled "An Act to appoint escheators, and to regulate escheats," passed the twenty-eighth day of March, one thousand seven hundred and eighty-seven; and that the reasonable expenses incurred by the commissioners appointed as aforesaid in making the returns be paid by the State.

In the Senate House, this tenth day of May, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1557. AN ACT TO BUILD AND REPAIR CERTAIN GIOVES AND COURT HOUSES.

Commissioners appointed for Cheraw.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Alexander McIntosh, Tipton Thomas and William Falconer, Esqs., be, and they are hereby appointed, commissioners with full powers to cause a common road for Cheraw district to be built, and the Court House of the same district to be repaired, and to employ workmen and procure all necessary materials for the purpose aforesaid; and that provision of a sum not exceeding one thousand pounds be made in the next tax bill to defray the expenses thereby to be incurred.

II. *And be it further enacted* by the authority aforesaid, That a sum not exceeding two hundred pounds, be, and is hereby, granted for the purpose of repairing the gaol in Georgetown: and that George Heriot, William Cuttino and John Shackelford, be appointed as commissioners to contract for and to see the repairs faithfully made; and that a sum not exceeding two hundred pounds to defray the same shall be provided for in the tax bill of the present year. A. D. 1794.
For Georgetown.

III. *And be it further enacted* by the authority aforesaid, That a sum not exceeding two hundred and fifty pounds, be, and is hereby, granted for repairing the gaol and Court House of Camden district; and that the commissioners for building the Court House of Camden district, be, and they are hereby, empowered to contract for said repairs, and see the same faithfully made; and that a provision of a sum not exceeding the said sum of two hundred and fifty pounds be made in the tax bill for the present year. For Camden.

IV. *And be it further enacted* by the authority aforesaid, That John Blake, Edward North and Timothy Ford, be, and they are hereby appointed, commissioners to contract for and forthwith cause a good and commodious gaol to be built for Charleston district; provision having been already made by law for that purpose. For Charleston.

In the Senate House, this tenth day of May, in the year of our Lord one thousand seven hundred and ninety-four, and in the eighteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT FOR ESTABLISHING THE ANNUAL SALARIES OF THE POWDER INSPECTORS AND ARSENAL KEEPERS FOR CHARLESTON AND NINETY-SIX DISTRICTS, WITHIN THIS STATE, AND FOR LIMITING THE DURATION OF THEIR OFFICES TO THE TERM OF FOUR YEARS. No. 1588.

WHEREAS, it is right and necessary to ascertain the salaries of the powder inspectors and arsenal keepers in Charleston and at Abbeville, in the district of Ninety-six, in future, the same being now vacant; Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act the annual salary of the powder inspector and arsenal keeper in Charleston shall be fifty pounds sterling; and the annual salary of the arsenal keeper at Abbeville, in the district of Ninety-six, shall be thirty pounds sterling; any law, usage or custom to the contrary thereof in anywise notwithstanding. Salaries of Arsenal keeper and powder Inspector.

II. And in order that the public may be from time to time duly informed of the state of the magazines and stores, to be deposited at Abbeville Court House, in the said district of Ninety-six; *Be it enacted* by the authority aforesaid, That the members of the Senate and House of Representatives, that shall from time to time represent Abbeville County aforesaid, shall be commissioners to examine and inspect the state of the magazines, and quality of arms, powder, and other stores that may be deposited in the store and magazines at Abbeville Court House aforesaid; and that they shall from time to time, when required, make report to his Excellency the Gov- Members appointed commissioners for Abbeville district.

A. D. 1794.

ernor of the state and condition of the said arms, powder and stores, and also annually to the Legislature at their November session.

III. And to prevent abuses; *Be it further enacted* by the authority aforesaid, That no person who may be appointed to the office of powder inspector and arsenal store keeper, at any magazine of this State, shall be permitted to administer the said office by deputy, unless in case of sickness.

Time of holding office.

IV. *And be it further enacted* by the authority aforesaid, That no person who shall be elected to the office of powder receiver and arsenal store keeper for Charleston or Abbeville, shall continue in office for a longer time than four years, without he shall be re-elected to the same by the Legislature.

Security to be given.

V. *And be it further enacted* by the authority aforesaid, That the powder inspector and arsenal keeper for Charleston district, shall, before he enters on the duties of his office under this Act, give security to the satisfaction of the Governor, in the sum of five hundred pounds; And the powder inspector and arsenal keeper for Abbeville, in the district of Ninety-six, shall, in like manner, give security to the satisfaction of a majority of the Judges of the County Court of Abbeville County, in the sum of two hundred and fifty pounds, for the faithful performance of the duties of their offices respectively.

In the Senate House, this tenth day of May in the year of our Lord one thousand seven hundred and ninety-four, and in the eighteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1589. AN ACT to incorporate the Medical Society of South Carolina.

(Passed May 10, 1794. See last volume.)

No. 1590. AN ACT TO COMPENSATE JAMES SHOOLBRED AND MARY HIS WIFE FOR CERTAIN PROPERTY THEREIN MENTIONED.

Preamble.

WHEREAS, the commissioners appointed in and by an Act of the Legislature, passed the twenty-second of March, one thousand seven hundred and eighty-five, for the parish road of Saint Philip and Saint Michael, were authorized to lay out a road on Charleston neck, to run in a strait line with Meeting-street, continued until it should intersect the high road; and whereas, the said commissioners, in pursuance of the said Act, did lay out a road which took off a large proportion of a lot belonging to James Shoolbred and Mary his wife, for which it is reasonable they should receive an equivalent,

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Doctor Charles Drayton, John Bull, John

McPherson, Anthony Toomer, Nathaniel Russel, Daniel Cannon, and William Johnson, Esquires, be appointed commissioners to ascertain what compensation will be sufficient to indemnify the said James Shoolbred and Mary his wife, for the injury aforesaid. And that when the same shall be ascertained by the commissioners, or a majority of them, it shall be raised by an assessment to be made on the taxable property in the city of Charleston.

A. D. 1794.

Commissioners
appointed.

In the Senate House, this seventeenth day of December, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ADDITIONAL ACT to an Act entitled "An Act for incorporating the Society of Free and Accepted Masons in this State," passed the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one. No. 1591.

(Passed December 17, 1794. See last volume.)

AN ACT TO MAKE SUCH PROVISION FOR THE DEBT OF THE STATE OF SOUTH CAROLINA, AS IS SPECIFIED THEREIN. No. 1592.

WHEREAS, on a settlement of accounts between the United States and the individual States, the State of South Carolina is a creditor to the amount of one million four hundred and forty-seven thousand, one hundred and seventy-three dollars and sixty cents; and whereas, Congress have made ample provision for paying the interest on the aforesaid balance, and it is just and reasonable that the same should be appropriated to pay the interest on the debt of the State to the creditors thereof, as far as the same will extend.

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the interest to grow due upon the balance of the funded debt due to the State of South Carolina, from the Congress of the United States, be, and the same is hereby, appropriated and sacredly set apart as a fund to make good the several engagements that shall be entered into in pursuance of this Act.

Interest appropriated.

II. And whereas, it is necessary to make arrangements for the equal distribution of the interest arising as aforesaid, among the creditors of the State; *Be it further enacted* by the authority aforesaid, That a loan be proposed to the amount of one million four hundred and forty-seven thousand, one hundred and seventy-three dollars; and that books for receiving subscriptions to the said loan be opened at Charleston, on the first day of February next, by a commissioner to be appointed for that purpose, to continue open until the last day of September following, inclusively: and

Books to be opened for a loan.

A.D. 1791.

that the sums which shall be subscribed thereto, be payable in certificates issued for the said debt, computing the interest upon such as bear interest to the first day of January, one thousand seven hundred and ninety-six.

Indents, certificates, &c. to be received.

III. *And be it further enacted* by the authority aforesaid, That the sums which shall be subscribed to the said loan, shall be payable in the principal and interest of such certificates as were issued by William Gibbs and Edward Blake, late commissioners of loans, reduced to their specie value, according to the laws of this State; in such certificates as were given by the continental loan office, as a surplus upon the subscriptions to the loan of four millions of dollars opened in this State under the law of the United States, distinguishing between the principal and interest which may have been due on the same at the time of the subscription, the principal of which shall be considered as drawing an interest of seven per cent per annum, from the first day of January, in the year of our Lord one thousand seven hundred and ninety-two; in the receipts given by the respective treasurers, for special indents registered in the offices agreeable to the resolves of the Legislature directing the same, which shall be funded in no other manner than as a claim of interest against the State; and in all the other general indents which have been issued under the authority of the State, with the interest which may have arisen thereon. Provided nevertheless, that nothing herein contained shall be construed to authorize the commissioner to be appointed under this Act, to receive and fund indents issued to the late Alexander Gillon, Esq. And provided also, that nothing herein contained shall be construed to authorize the said commissioner to receive and fund general indents issued to persons whose estates were confiscated and afterwards restored, except at a rate of one for five.

In case of over subscription.

IV. *And be it further enacted* by the authority aforesaid, That if the total amount of the sums which shall be subscribed to the said loan within the time limited for receiving subscriptions thereto, shall exceed the sum of one million, four hundred and forty-seven thousand, one hundred and seventy-three dollars, the certificates and credits granted to the respective subscribers shall bear such proportion to the sums by them respectively subscribed, as the total amount of the said sum shall bear to one million four hundred and forty-seven thousand, one hundred and seventy-three dollars; and the amount of the overplus, distinguishing between the principal and interest, together with the name of the subscriber, shall be entered in books to be kept by the commissioner for that purpose, who shall give an indent to each subscriber, stating the amount of the overplus both in principal and interest. And every subscriber to the said loan shall at the time of subscribing deposit with the commissioner the certificate, or indent, to be loaned by him. Provided, in every instance, that the said commissioner shall compute every indent offered for loan with the check books, and shall not issue other certificates for the same, unless the amount of the sums and the names of the parties agree with those written in the margin of the said check book, and shall also indorse on the back of each indent or certificate which shall be admitted to be loaned, that he has examined the same, and finding it right, hath cancelled it; which cancelled indents the said commissioner shall then file.

State stock to be issued.

V. *And be it further enacted* by the authority aforesaid, That the credit of the subscriber or subscribers, being ascertained as aforesaid, that for any sum subscribed to the said loan, which shall be paid in the principal of the debt of the State, the subscriber or subscribers shall be entitled to one or more certificates, at the option of the subscriber, purporting that the State of South Carolina owes to the holder or holders thereof, his, her or their assigns, a sum, to be expressed therein, equal to two-thirds of the sum so

paid, bearing an interest of six per cent per annum, payable quarter-yearly; and to another certificate or certificates, purporting that the State of South Carolina owes to the holder or holders thereof, his, her or their assigns, a sum, to be expressed therein, equal to the proportion of thirty-three dollars and one-third of a dollar upon a hundred of the sum so paid; which, after the year one thousand eight hundred and six, shall bear an interest of six per centum per annum, payable quarter-yearly; and the said debts shall be subject to redemption at the will of the State.

A. D. 1794.

VI. *And be it further enacted* by the authority aforesaid, That the credit of the subscriber or subscribers being ascertained as aforesaid, that for any sum subscribed to the said loan, which shall be paid in the interest of the debt of the State, the subscriber or subscribers shall be entitled to a certificate or certificates, purporting that the State of South Carolina owes to the holder or holders thereof, his, her or their assigns, a sum to be specified therein, equal to that by him, her or them so paid, bearing an interest of three per centum per annum, payable quarter-yearly, and subject to redemption at the will of the State.

VII. *And be it further enacted* by the authority aforesaid, That the interest upon the stock created pursuant to this Act, as the same shall become due, shall be payable at the office of the commissioner of the treasury in Charleston, quarter-yearly; that is to say, one-fourth part thereof, on the last day of March; one other fourth part thereof, on the last day of June; one other fourth part thereof, on the last day of September; and the remaining fourth part thereof, on the last day of December; the first payment to become due on the last day of March, which shall be in the year one thousand seven hundred and ninety-six; and the said stock shall be transferable only on the books of the said commissioner, by the proprietor or proprietors of the said stock, his, her or their attornies.

Interest, how to be paid.

VIII. *And be it further enacted* by the authority aforesaid, That the interest which shall arise on the balance funded to the credit of this State by the United States, in the year one thousand seven hundred and ninety-five, shall be paid over by the treasurer in Charleston, as it shall be received, to the foreign creditors of this State, in average and proportion to each, if they or their agents make demand of the same, within ten days before the quarter yearly payments of the said interest become due, otherwise in average and proportion amongst such as shall make claim as aforesaid; and if only one should make such claim, then in extinguishment, as far as the said interest will go, of the debt of such claimant: Provided in every case, that the foreign creditors or their agents shall agree to give receipts for the payments made according to the actual amount of the payment here.

IX. *And be it further enacted* by the authority aforesaid, That whoever shall counterfeit, or utter, knowing the same to be counterfeited, any of the receipts or certificates to be issued in pursuance of this Act, shall, on conviction thereof, suffer death, without benefit of clergy.

Punishment for counterfeiting.

X. *And be it further enacted* by the authority aforesaid, That the Act entitled "An Act to provide for the final settlement of the accounts of the former commissioners of the treasury and other public departments, and all other persons having accounts with the State," so far as it relates and may relate to all Acts, accounts and transactions, matters and things, not yet completed and perfected, and so far as to continue in full force and effect all bills, actions and suits, and the proceedings thereon moved, commenced and instituted by the commissioners who were appointed under the said Act, and not yet ended, and also in so far as to continue in office for and during the term of one year, from the first day of January next, John Lewis Gervais, one of the commissioners under the said Act, shall be,

Former Act repealed.

A. D. 1794.

and the same is hereby, continued until the first day of January, in the year one thousand seven hundred and ninety-six. Provided also, that the said John Lewis Gervais, in addition to the duties required of him by the above mentioned Act, do open and keep open the books for receiving subscriptions for the loan instituted by this Act, and receive the subscriptions until the last day of September next, and to perform all other duties required by this Act.

XI. *Be it further enacted* by the authority aforesaid, That John Lewis Gervais is hereby directed in all cases, where his duty is not plainly or expressly pointed out by this Act, to follow, as near as may be, what has been done by the officers of the United States, in carrying into effect the arrangements made by Congress for funding their debts and paying the interest on the same.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT FOR ESTABLISHING THE SALARY OF THE GOVERNOR OF THIS
No. 1593. STATE, AND THE SALARIES OF OTHER PUBLIC OFFICERS; AND FOR
OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, it is expedient and necessary that a principle of economy should be observed in the management of the finances of this government;

Salaries of public officers.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor of this State, who shall hereafter be elected, shall be entitled to receive the sum of six hundred pounds per annum, as a compensation for his services; that the Chief Justice, hereafter to be elected or appointed, shall receive the sum of six hundred pounds per annum for his services; that the Associate Justices, hereafter to be elected or appointed, shall, each, receive the sum of five hundred pounds per annum for their services; the Attorney General, hereafter to be elected or appointed, shall receive for his services the sum of two hundred pounds per annum; that the Circuit Court Solicitors shall hereafter receive, in addition to their present salary of one hundred pounds per annum, the sum of a dollar and a half per diem, during their attendance on the Legislature; that the Commissioner of the Treasury, hereafter to be elected, who shall reside in Charleston, shall receive the sum of four hundred pounds per annum; that the Commissioner of the Treasury, hereafter to be elected, who shall reside in Columbia, shall receive the sum of three hundred pounds per annum; that the Clerk of the Senate and the Clerk of the House of Representatives, shall, each, receive the sum of two hundred and eighty-seven pounds per annum; that the messengers to each House shall each receive the sum of fifty pounds per annum; and the door keepers, each, the sum of fifty pounds per annum; that the house keeper of the State House shall receive the sum of twenty pounds per annum.

II. *And be it further enacted*, by the authority aforesaid, That all former laws for establishing the salaries of the public officers of this State, so far as the same may be repugnant to this Act, shall be, and the same are hereby, repealed.

A. D. 1794.

In the Senate House, this seventeenth day of December, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT FOR THE REMOVAL AND SAFE KEEPING OF THE RECORDS OF THE CLERK'S OFFICE OF THE CIRCUIT COURTS OF CHERAW DISTRICT; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1594.

WHEREAS, it appears expedient and necessary to provide for the preservation and safe keeping of the records belonging to the Office of the Clerk of the Circuit Courts of Cheraw District, while the Court House is repairing;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That immediately from and after the passing of this Act, it shall and may be lawful to and for the Clerk of the Circuit Courts in and for the district of Cheraw, to keep his office of Clerk of the said Courts, until the Court House shall be repaired, at such place, not exceeding two miles from the town of Greenville, as the commissioners hereinafter named shall from time to time think fit and direct, and to remove to and keep at the place so to be appointed by the said commissioners aforesaid, and he is hereby directed and required so to do, all and singular the records to the said office of the Clerk of the said Courts belonging or in anywise appertaining; any law, usage or custom, to the contrary in anywise notwithstanding.

Clerk's office, where to be kept.

II. *And be it further enacted* by the authority aforesaid, until the Court House shall be repaired, that the posting of any rule to plead in any cause depending in the Circuit Court of Common Pleas of the said District, on the front door of the house wherein the office of Clerk of the said Court shall, in pursuance of this Act, be kept, shall be deemed, taken and adjudged to be a legal service of such rule, to all intents and purposes whatsoever, in all cases where the posting of a rule on the door of the Court House hath heretofore been deemed a legal service.

Service by posting.

III. *And be it further enacted* by the authority aforesaid, That Alexander McIntosh, Tristram Thomas and William Falconer, be, and they are hereby appointed, commissioners, and authorized and required to contract for and procure without delay, in pursuance of this Act, a convenient room, giving notice of their having so done under their or a majority of their hands and seals to the Clerk of the said Courts, to be the office of such Clerk, proper for the reception and safe keeping of the records aforesaid; and that the Legislature will provide for the expense thereof.

Commissioners appointed.

A. D. 1794.

IV. *And be it further enacted* by the authority aforesaid, That as soon as the said Court House shall be repaired, the said commissioners are hereby authorized and required to cause all and singular the said records, to be removed back again to the said Court House.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1595. AN ACT TO ESTABLISH CERTAIN LOTTERIES THEREIN MENTIONED.

Preamble.

WHEREAS, sundry persons, inhabitants of Georgetown and its vicinity, have, by their petition, represented that the poor and necessitous among them are, during their sufferings under the disorders incident to that part of the country in the fall of the year, extremely distressed for the want of some convenient building to be lodged in, and also have prayed that they might be authorized, by Act of the Legislature, to establish and draw a lottery, in order to raise a fund for the purpose of purchasing a lot and of erecting a house in the said town, for the reception of such poor and necessitous people as may be real objects of charity :

Persons empowered to manage a lottery for the sick and destitute of Georgetown.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Robert Brownfield, Daniel Tucker, Nathan Hart, Francis Delusseline, Erasmus Rothmabler, Cornelius Dupre, Francis Green, Abraham Cohen, and John Murray, shall have full power, and they are hereby fully authorized and empowered, to erect and proceed to the drawing, and finally to conclude, a lottery, for the purposes above mentioned : Provided, they do not, by the said lottery, raise a fund exceeding one thousand pounds.

Lotteries granted to the Santee and Cooper river Company.

II. And whereas, the stockholders and directors of the Company for the inland navigation from Santee to Cooper river, by their petition, have set forth that they have expended upwards of twenty thousand pounds of their own money, and are proceeding at the rate of an annual expenditure of seventeen thousand pounds sterling, in promoting the great object for which they are incorporated, and have humbly prayed that they may have the permission of the Legislature to establish and conclude one or more lotteries, to raise a sum not exceeding six thousand pounds in the whole, that they may be enabled to proceed with spirit in the completion of the work committed to their care : *Be it therefore enacted* by the authority aforesaid, That the said Company for the inland navigation from Santee to Cooper River, be, and they are hereby, vested with full power to make and proceed to the drawing and concluding one or more lotteries for the above purpose : Provided, they do not, by the said lotteries, raise more than the net sum of six thousand pounds.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1794.

AN ACT for opening the Navigation of Pine-tree Creek, from the mouth of said Creek to the forks thereof, near Camden. No. 1596.

(Passed December 17, 1794. *See last volume.*)

AN ACT to incorporate certain Religious Societies therein mentioned. No. 1597.

(Passed December 17, 1794. *See last volume.*)

AN ACT TO DISPENSE WITH THE WARDENS OF CAMDEN SITTING SO OFTEN AS TWICE IN A MONTH. No. 1598.

WHEREAS, the intendant and wardens, and sundry other inhabitants of the town of Camden, have, by their petition to the Legislature, set forth that that part of the Act entitled "An Act to incorporate Camden," which requires the wardens of the said town to meet twice in every month, is unnecessary;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act the said wardens, or any two of them, shall, in rotation, meet once in every two months, or oftener if occasion require, at the usual place in Camden, for the purposes directed in the before mentioned Act for incorporating Camden; any thing therein contained to the contrary notwithstanding.

Wardens to meet once in two months.

In the Senate House, this seventeenth day of December, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ACT FOR APPROPRIATING A ROOM IN THE COURT HOUSE IN CHARLESTON, HERETOFORE PROVIDED FOR THE COURT OF ADMIRALTY, FOR THE FUTURE HOLDING OF THE SEVERAL FEDERAL COURTS, UNDER THE AUTHORITY OF THE UNITED STATES, THAT SHALL SIT IN THE CITY OF CHARLESTON. No. 1599.

WHEREAS, by an Act passed the 27th day of February, 1788, entitled "An Act for granting the sum of £3500 for the building a court house and jury rooms for the district of Charleston, and for appointing

Preamble.

A. D. 1794.

and empowering commissioners to execute the same," it was enacted that the commissioners thereby appointed should be authorized and empowered to provide, in the said court house, rooms for the holding of the courts of general sessions of the peace, and of the common pleas, for the district of Charleston, also rooms for the courts of chancery and of admiralty: and whereas, the said commissioners, in compliance with the directions aforesaid, have appropriated the westernmost room on the ground or first floor for the holding the courts of general sessions of the peace and of the common pleas, the westernmost room on the second floor for the holding the courts of equity, and the easternmost room on the second floor for the holding the court of admiralty:

A room appropriated for holding the federal courts.

1. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said easternmost room on the second floor of the said court house, heretofore intended for the court of admiralty, shall be, and the same is hereby, appropriated, until otherwise directed by an Act of the Legislature, for the holding of the federal courts of the United States, which are from time to time directed to meet and sit in Charleston; any law, usage or custom to the contrary notwithstanding.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1600. *AN ACT* TO INCREASE THE NUMBER OF JUSTICES OF THE PEACE IN THE SEVERAL COUNTIES THROUGHOUT THIS STATE WHERE COUNTY COURTS ARE ESTABLISHED.

Preamble.

WHEREAS, it is found expedient and necessary to increase the number of justices of the peace in the several counties in this State where county courts are established:

Justices of the peace to be appointed.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the number of justices of the peace in the several counties throughout this State where county courts are established, may be increased, from nine, the number to which they are at present entitled, to fifteen for each county: any law, usage or custom to the contrary notwithstanding.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

A. D. 1794.

AN ACT TO ASCERTAIN AND FIX ON SOME CONVENIENT AND CENTRAL SITUATION FOR THE COURT HOUSE AND OTHER PUBLIC BUILDINGS FOR THE COUNTY OF GREENVILLE; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1601.

WHEREAS, dissatisfaction hath arisen among the inhabitants of Greenville county, respecting the situation of their public buildings;

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Rev. James Tarrants, John McBeth, Peter Sarter, Isaac Green, Paul Abner, Samuel Walker, William Anderson, Robert Nelson, Martin Adams, William Goodlet, Josiah Foster, Silas Williams, James Kilgore, Thomas Townsend, and William Choice, be, and they are hereby appointed, commissioners, with full power either to alter the place at present fixed by law for building a court house and other public buildings for the said county of Greenville, or to confirm the same, as they, or a majority of them, shall think expedient and necessary; and that so much of an Act entitled "An Act to ascertain and fix on some convenient and central situation for the court house and other public buildings for the county of Greenville," passed the 21st day of December, 1793, as is repugnant to the present Act, be, and the same is hereby, repealed.

In the Senate House, this seventeenth day of December, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

AN ADDITIONAL ACT to the Act entitled "An Act to organize the Militia throughout the State of South Carolina in conformity with the Act of Congress." No. 1602.

(Passed December 19, 1794. *See last volume.*)

AN ACT to enable the Commissioners therein appointed to clear out and remove the obstructions in that branch of Ashepoo river which is called the Horse Shoe Creek; and to cut or sink and keep in repair a Drain or Canal from the head of the said Creek up the swamp called the Round O Swamp to the junction of the two branches of the said swamp, at the Plantation known by the name of Gilkicker's; for opening Lowder's Lake; and for other purposes therein mentioned. No. 1603.

(Passed December 20, 1794. *See last volume.*)

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No. 1604. AN ACT to repeal the 12th clause of an Act entitled "An Act to alter and amend an Act respecting the High Roads and Bridges," passed the 22nd day of March, 1785, so far as the said clause relates to the Bridge constructed over Edisto river, at Jacksonborough; and for other purposes therein mentioned.

(Passed December 20, 1794. *See last volume.*)

No. 1605. AN ACT to revive and extend an Act entitled "An Act to prohibit the importation of Slaves from Africa, or other places beyond the Sea, into this State, for two years; and also to prohibit the importation or bringing in of Negro Slaves, Mulattoes, Indians, Moors, or Mestizoes, bound for a term of years, from any of the United States, by land or water."

(Passed December 20, 1794. *See last volume.*)

No. 1606. AN ACT FOR COMPELLING PERSONS RESIDING IN THIS STATE TO ATTEND AND GIVE EVIDENCE, UNDER COMMISSION, IN SUITS DEPENDING IN OTHER STATES; AND ALSO TO COMPEL PERSONS TO ATTEND AND GIVE EVIDENCE UNDER COMMISSIONS ISSUING OUT OF THE COURTS OF THIS STATE, AND TO GIVE EVIDENCE BEFORE JUSTICES OF THE PEACE, IN CAUSES WITHIN THEIR JURISDICTION.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That where a commission shall hereafter issue out of any court of judicature in another of the United States, to examine any witness or witnesses residing in this State, touching any cause, matter or thing depending in such court, the person having obtained such commission, or his or her agent, shall produce it to a judge of the supreme courts or county courts of this State, who, on being satisfied of its authenticity and regularity, shall direct a subpoena to issue in due form from the clerk's office of the nearest court of common pleas, or county court, as the case may be, requiring the witness or witnesses named in such commission to attend before the commissioners therein also named, at a certain time, and at some place not exceeding fifteen miles from the residence of such witness or witnesses respectively, and give evidence, fully, according to their knowledge, touching all such matters as shall be charged and set forth in the interrogatories and cross interrogatories annexed to such commission; which subpoena shall be served on the witness or witnesses personally, at least two days before the time at which attendance is required by it; and such witness or witnesses, so attending and giving evidence, shall be entitled to the sum of four shillings and eight pence each, for every day of

Witnesses
obliged to at-
tend and give
evidence on
commission from other
States.

necessary absence from home, and his or her necessary ferriages in going to and from and attending the said commissioners, to be paid by the party obtaining the commission, or his or her agent, before it is delivered out of the hands of the commissioners, who are hereby authorized and required to estimate the number of days for which payment is allowed as aforesaid, and to retain the commission till such payment be made. And if any witness on whom such subpœna shall be served, shall refuse or neglect to attend according to the command thereof, or, so attending, shall refuse to answer on oath to the interrogatories and cross interrogatories thereunto annexed, or any of them, such witness shall be liable to the same actions, penalties and pains to which witnesses are liable who refuse or neglect, when duly subpœnaed, to attend in any court of record in this State, or, so attending, refuse to give evidence: Provided, that nothing herein contained shall authorize commissioners to attach or commit persons summoned as witnesses, but that any of the superior courts of this State, on such subpœna as is herein mentioned being produced, and satisfactory information made on oath that it was personally and in due time served on any witness therein named, who refused or neglected to attend, according to the command of the said subpœna, or, attending, refused to answer as aforesaid, shall have power, and is hereby required, to order an attachment against such witness, to appear and answer for such neglect or refusal, as for a contempt of the court; which attachment shall be served and executed by the sheriff of that court where it was awarded, or his deputy, and shall run into any part of the State; and such other proceedings shall be had thereon as are usual and allowed in other cases of attachment for contempt.

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Penalty for neglect.

II. *And be it further enacted* by the authority aforesaid, That where a commission shall issue by consent of parties or otherwise, out of any court of judicature in this State, to examine any witness or witnesses residing within this State, touching any matter or thing depending in such court, the said court shall have power, and is hereby required, to issue a subpœna, in due and legal form, commanding such witness or witnesses to attend before the commissioners named in the commission, at a certain time, and at some place not more than fifteen miles from the residence of such witness or witnesses respectively, and answer on oath, according to their knowledge, to the interrogatories and cross interrogatories annexed to the said commission; which subpœna shall be served personally on the witness or witnesses therein named, at least two days before attendance is required by it; and such witness or witnesses, so attending and giving evidence, shall be entitled to the same compensation, to be assessed and secured in the same manner, and in case of neglect or refusal to attend, or refusal to give evidence, shall be liable to the same actions, pains and penalties, and proceeded against in the same manner, as is provided by the first clause of this Act for the case of witnesses to be examined in causes pending in other States: Provided, that nothing in the foregoing part of this Act shall be held to extend to persons unable to leave home by reason of age, infirmity, sickness or bodily hurt, all which persons, whenever it may be necessary to examine them by commission in causes depending either in this State or other States, shall be attended by the commissioners; and in case of their refusal to give evidence, or to answer to the interrogatories and cross interrogatories under any such commission, shall be liable to the action of the party who may be injured by the want of their testimony, and shall make reparation in damages for such injury.

Within this State.

Sick and infirm persons.

III. *And be it further enacted* by the authority aforesaid, That any justice of the peace in this State, on the application of any party to a cause within

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Before Justices
of the Peace.

his jurisdiction and depending before him, shall have power, and is hereby required, to issue a summons, citing any person or persons whose testimony may be required in such cause, except persons confined by age, infirmity, sickness or bodily hurt, to appear before him, at a certain time, and at some place not more than twenty miles from the residence of such person or persons respectively, and give evidence in the said cause; which summons shall be personally served on such person or persons at least three days before the time at which attendance is required by it. And if any such person or persons, on being personally served, in due time, with such summons, shall refuse or neglect to attend, or, attending, shall refuse to give evidence, the party aggrieved by such neglect or refusal may apply to the county court of the county, and where there are no county courts, to the nearest superior court of the State, which courts, or any of them, on such application, and production of the summons, with due proof of the service, neglect or refusal aforesaid, are hereby authorized and required to proceed against such witness or witnesses by attachment, as for a contempt, in the same manner now used and allowed in the case of witnesses who refuse or neglect to appear in any of the said courts when duly subpoenaed, or, appearing, refuse to give evidence; and every witness so refusing or neglecting to attend before a justice of the peace, when duly summoned as aforesaid, or refusing to give evidence when present, shall, moreover, be liable to the action of the party aggrieved by such neglect or refusal, and shall make compensation in damages for the injury so sustained.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

No. 1607. *AN ACT FOR RAISING SUPPLIES FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND NINETY-FOUR.*

Preamble.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in manner herein mentioned, should be assessed, raised, and paid into the public treasury of this State, for the use and service thereof:

Rate of taxation on lands.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same. That the sum of ten shillings per centum ad valorem on every hundred pounds, to be paid in specie or paper medium, shall be, and is hereby, imposed on all lands granted within this State, and in the manner and under the several regulations hereinafter set forth and expressed, that is to say: No. 1. All tide swamp not generally affected by the salts or freshes, of the first quality, shall be rated at six pounds per acre; of the second quality, at four pounds per acre; of the third quality, at two pounds per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, at ten shillings per acre; all prime inland swamp, cultivated and uncultivated, at an average of three pounds per acre; second quality,

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ditto, at two pounds per acre ; third quality, ditto, one pound per acre ; pine barren lands, adjoining or contiguous thereto, at five shillings per acre ; salt marsh or inland swamp, clearly proved to the assessors to be incapable of immediate cultivation, five shillings per acre. 2. High river swamps or low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill, on Savannah river, the fork of Broad and Saluda rivers, on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality at three pounds per acre ; the second quality at two pounds per acre ; the third quality at one pound per acre ; except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, which shall be assessed at five shillings per acre. 3. All high river swamp, or low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, fifteen shillings per acre. 4. All high lands without the limits of St. Philip's and St. Michael's parishes, on John's island, James island, and on the main, within twenty miles of Charleston, at one pound per acre. 5. All lands on the Sea islands, Slann's island included, or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn or indigo, and not within the limits prescribed in class number four, one pound per acre. 6. All oak and hickory high lands lying below Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, or the boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers four and five, at fifteen shillings per acre. 7. All pine barren lands not included in number one, four, and five, to be assessed at one shilling per acre. 8. All oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality, at eight shillings per acre ; the second quality, at five shillings per acre ; the third quality, at two shillings per acre. 9. All oak and hickory high lands above the old Indian boundary line, the first quality, at six shillings per acre ; the second quality, at three shillings per acre ; the third quality, at one shilling per acre. That all lands within the limits of the parishes of St. Philip and St. Michael shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country. That the sum of three shillings and six pence per head shall be levied on all slaves ; the sum of nine shillings and four pence, per head, on all free negroes, mulattoes, and mustizoes, between the ages of sixteen and fifty years ; and ten shillings per centum ad valorem on all lands and lots and buildings within any city, village, or borough, and on every hundred pounds stock in trade, factorage, employments, faculties and professions, (clergymen, mechanics, schoolmasters and schoolmistresses excepted)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information ; to be paid in specie or paper medium of this State.

Rate of taxing
slaves, &c.

II. *And be it further enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are made, liable to the payment of this tax.

Slaves employed
on Indian
lands.

III. And whereas, doubts have arisen and are still subsisting respecting the construction of former tax Acts, inasmuch as the tax collectors have assessed the property of divers religious societies, and also of the incorporated South Carolina Society ; *Be it therefore enacted*, that nothing in this Act, or in any former Act contained, shall be construed to impose a tax on any property of any religious society, or of the South Carolina Society.

Religious Soci-
eties exempted

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IV. And whereas, it is the duty of every person claiming of or receiving from this government the protection either of his person or property, to contribute not only his quota of money, but also those personal services which every citizen is bound to contribute for the support of that government, or to pay an additional tax in lieu of such services: And whereas, there are numbers of persons holding large estates in this country, who reside without the limits of the United States, and annually draw from this State great resources, which are expended in foreign countries without any advantage to this government, to which they are indebted for the protection of their property: *Be it therefore enacted* by the authority aforesaid, that every male person holding, or being entitled to, any taxable property in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on their estate and property: which tax and assessment the tax collectors throughout this State are hereby required to exact and recover from every such person: Provided, nevertheless, that nothing herein contained shall be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission, or to the property of any young man sent abroad for his education, until he attain the age of twenty-three years, or to the property of any person now absent from the United States, unless such person has been so absent for two years.

Absentees double taxed.

Compensation of enquirers, assessors, &c.

V. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors, appointed by law, shall, for their services in the discharge of their duties, receive, on closing their accounts with the commissioners of the treasury, five per centum, except the parishes of St. Philip and St. Michael, who are to receive $2\frac{1}{2}$ per centum, on the amount of the taxes collected by them, to be allowed and paid to the several tax collectors.

Returns of former taxes to be made.

VI. *And be it further enacted* by the authority aforesaid, That the assessors, enquirers, and collectors respectively, shall begin their enquiry on the first day of February next: and that when all the collectors who were appointed for any parish or county are dead, and the tax returns not closed with the commissioners of the treasury, the collectors who shall be thereafter appointed are hereby directed and ordered to demand receipts or to administer an oath, or to procure other satisfactory proof, from the persons of the county or parish, that he or they had paid their taxes for the preceding years, in order to discover their taxes still due, and to enable the public to ascertain what sums of money are due by the estates of deceased collectors: and should the executors or administrators of the deceased collectors refuse to produce the accounts of the deceased, or give information on the subject, the commissioners of the treasury are hereby ordered to put the law in force against the estates of the deceased collectors.

Duty of the assessors and collectors.

VII. *And be it further enacted* by the authority aforesaid, That the assessors and collectors appointed by law shall do and perform all and singular the duties appertaining to their office, as described in an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein."

Provision for furnish copies of this Act.

VIII. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury be, and they are hereby, directed to furnish copies of this Act to each of the assessors and collectors appointed by law, throughout this State, within one month after passing this Act, and the reasonable expenses incurred thereby shall be reimbursed.

IX. *And be it further enacted* by the authority aforesaid, That all per-

sons any wise liable to pay the taxes hereby imposed, shall, on the sixth day of February, 1795, give in a true and just return of the quality and quantity of lands and slaves, as directed to be taxed by law, either in his, her or their own right, or in the right of any person or persons whatsoever, as guardian, executor, administrator, attorney, agent or trustee, or in any other manner whatever; and shall, on or before the first day of April, in the year of our Lord one thousand seven hundred and ninety-five, pay in their taxes to the assessors and collectors appointed by law for the parish, county or district where the party making such return, either by himself or family, resideth the greatest part of the year. And that the said assessors and collectors shall pay the same, and settle their accounts with the treasury, on the first day of June, which will be in the year of our Lord one thousand seven hundred and ninety-five; any law, usage or custom to the contrary thereof in any wise notwithstanding.

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Time of payment of taxes.

X. And whereas, it will be beneficial to the State that the interest accruing on the paper medium should be appropriated towards defraying some part of the expenses of the government; *Be it therefore enacted* by the authority aforesaid, That all the interest of the paper medium issued by virtue of an Act passed the twelfth day of October, one thousand seven hundred and eighty-five, now due, or to grow due on or before the first Wednesday in March next, is hereby appropriated to make up any deficiencies of the money to be raised by this Act.

Appropriation.

XI. *And be it further enacted* by the authority aforesaid, That the principal sums of the said paper medium which will be due on the first Wednesday in March next, shall not be required to be paid as directed by the Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-three," but shall be paid on the first Wednesday in March, one thousand eight hundred: Provided always nevertheless, that no person shall be entitled to the benefit of this clause who shall not give an additional security, if required by the treasurer in Charleston; and it is hereby declared to be the duty of the treasurer in Charleston to require such additional security in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which shall be made in paying the interest to grow due in March, one thousand seven hundred and ninety-five.

The paper medium, when to be paid.

XII. *And be it further enacted* by the authority aforesaid, That so much of the Act passed the twentieth day of December, one thousand seven hundred and ninety-three, entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-three," as shall be repugnant to the preceding clauses of this Act, be, and the same is hereby, repealed.

Part of former Act repealed.

XIII. *And be it also further enacted* by the authority aforesaid, That nothing shall be received by the treasurers in payment of the taxes herein before directed to be raised, but gold and silver coin made current in this State, and the paper medium issued by authority of the Legislature, or bank paper redeemable in the first instance with gold and silver at the banks now established in this State, or certificates issued for the pay of the members of the Legislature for their attendance thereon.

What shall be received for taxes.

In the Senate House, this twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-four, and in the nineteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

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ESTIMATE

Of supplies wanted for the support of Government, for the year 1794.

SALARIES, AS SETTLED BY LAW.

The Governor,	-	-	-	-	-	£900 00 00
Secretary to the Governor,	-	-	-	-	-	100 00 00
Chief Justice,	-	-	-	-	-	800 00 00
Four Associate Judges, each £600,	-	-	-	-	-	2400 00 00
Two Judges of the Court of Equity, each £500,	-	-	-	-	-	1000 00 00
One Judge of the Court of Equity, for two-thirds of a year,	-	-	-	-	-	333 06 08
Attorney General, for giving advice to the Governor and other public officers,	-	-	-	-	-	-
in matters of public concern, in addition to his other duties,	-	-	-	-	-	200 00 00
Three Circuit Solicitors, each £100,	-	-	-	-	-	300 00 00
Treasurer in Charleston, for salary as Treasurer, and for transacting the business	-	-	-	-	-	-
of the Loan Office, and Clerks,	-	-	-	-	-	740 00 00
Treasurer in Columbia, for his salary and clerk,	-	-	-	-	-	500 00 00
Clerk of the Senate, and Clerk of the House of Representatives, each £287,	-	-	-	-	-	-
per annum,	-	-	-	-	-	574 00 00
Two Messengers, one for each house, at £70 each,	-	-	-	-	-	140 00 00
Two doorkeepers, ditto, at fifty pounds each,	-	-	-	-	-	100 00 00
Keeper of the State House and public offices in Columbia,	-	-	-	-	-	30 00 00
Arsenal keeper and Powder receiver in Charleston,	-	-	-	-	-	50 00 00
Arsenal keeper and powder receiver at Abbeville Court House,	-	-	-	-	-	20 00 00
Incidental charges,	-	-	-	-	-	4493 04 10
Contingent accounts passed, delivered the present session,	-	-	-	-	-	3600 00 00
Transient poor,	-	-	-	-	-	1000 00 00
Printer's bill, for extras,	-	-	-	-	-	300 00 00
State Printer's salary,	-	-	-	-	-	100 00 00
Contingent fund, subject to the Governor's drafts,	-	-	-	-	-	1000 00 00
Fort Johnson,	-	-	-	-	-	1488 00 00
Expenses of the members at May session, and for the present session,	-	-	-	-	-	2400 00 00
Debt due to Mr. Burn,	-	-	-	-	-	4000 00 00
Commissions on receiving taxes,	-	-	-	-	-	2000 00 00
Commissioners for settling public accounts, for one year's salary due to them,	-	-	-	-	-	1500 00 00
Arrearages of Annuities, including the present year,	-	-	-	-	-	1500 00 00
The Pilot for the bar and harbor of Georgetown,	-	-	-	-	-	75 00 00
Port Physician,	-	-	-	-	-	100 00 00
Nine Brigade Inspectors, at £50 each,	-	-	-	-	-	450 00 00
Clerk of the Adjourned Court at Columbia,	-	-	-	-	-	20 00 00
Timothy & Mason's contract for printing the Militia Laws, Baron Steuben's	-	-	-	-	-	-
Treatise, &c. 1500 copies, at 4s. 6d.	-	-	-	-	-	337 10 00
Expenses of building the Gaol and repairing the Court House of Cheraw	-	-	-	-	-	-
district,	-	-	-	-	-	1000 00 00
Repairing the Gaol in Georgetown,	-	-	-	-	-	200 00 00
Repairing the Gaol in Camden district,	-	-	-	-	-	250 00 00
Joseph Brailsford, Ordinary of Beaufort district, for the purpose of having re-	-	-	-	-	-	-
corded the papers belonging to his office—copies of which were lost when	-	-	-	-	-	-
his dwelling house and office were burnt,	-	-	-	-	-	50 00 00

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AN ACT TO CEDE TO THE UNITED STATES A PROPER PLACE, UPON NORTH ISLAND, WHEREON A LIGHT HOUSE MAY BE ERECTED. No. 1608.

WHEREAS, the Congress of the United States, on the twenty-first day of February last, passed an Act to provide for the erection of a Light House for the harbor of Georgetown, in this State; and Tench Coxe, Esquire, commissioner of the revenue of the United States, by his letter addressed to both branches of the Legislature, has, on behalf of the said States, and by virtue of the said Act, requested that this State would pass a law to cede to the United States such a place for the purpose aforesaid, as Edward Blake, Daniel Stevens and Isaac Holmes, Esquires, might think most eligible: And whereas, it has been represented to the Legislature, that some spot upon North-Island would be the most eligible place for the said purpose; that Paul Trapier, Esq., who is the proprietor of the said island, is willing to make a gratuitous cession of a sufficient quantity of land upon the said island to answer the end above mentioned; but that Edward Blake, Esq., above named, has lately departed this life:

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the secretary of this State, for the time being, shall be, and he is hereby, authorized to receive a conveyance from the said Paul Trapier, Esq., or any other person or persons authorized or having a lawful right to execute the same, of and for such and so much land, upon North-Island aforesaid, as the said Daniel Stevens and Isaac Holmes, Esquires, or any other person or persons in this behalf, lawfully authorized or appointed under the said Act of Congress, or any other Act by them made or to be made, may be chosen as a proper site for the said light-house; and that the secretary of this State for the time being shall make and execute such a conveyance, or instrument in writing, under his hand and the seal of this State, as the Attorney General shall advise and prepare, and thereby convey to the United States, in fee simple forever, all such land and premises as the said Paul Trapier may convey to him as aforesaid.

Title, how to be conveyed.

In the Senate House, the twelfth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT TO FACILITATE THE CONVEYANCE OF REAL ESTATES.

No. 1609.

WHEREAS, the mode of conveying land, by indentures of lease and release, is expensive, and it is found by many inhabitants of this State to be very inconvenient: for remedy thereof,

Preamble.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following form, or purport of a release, shall, to all intents and purposes, be valid and effectual, to convey from one person to

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another, or others, the fee simple of any land or real estate, if the same shall be executed in the presence of, and be subscribed by, two or more credible witnesses.

THE STATE OF SOUTH CAROLINA.

Form of conveyance.

Know all men by these presents, that I, A. B. of — in the State aforesaid, — in consideration of — to me paid by C. D. of — in the State aforesaid, — have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release, unto the said C. D. all that (here describe the premises,) together with all and singular the rights, members, hereditaments and appurtenances, to the said premises belonging, or in any wise incident or appertaining: to have and to hold, all and singular the premises before mentioned, unto the said C. D. his heirs and assigns, forever. And I do hereby bind myself, my heirs, executors and administrators, to warrant and for ever defend all and singular the said premises unto the said C. D. his heirs and assigns, against myself and my heirs, and against every person whomsoever, lawfully claiming or to claim the same, or any part thereof.

Witness my hand and seal, this — day of — in the year of our Lord — and in the — year of the Independence of the United States of America.

Provided, That this Act shall be so construed as not to oblige any person to insert the clause of warranty, or to restrain him from inserting any other clause or clauses, in conveyances hereafter to be made, as may be deemed proper and advisable by the purchaser and seller; or to invalidate the forms heretofore in use within this State.

Wife may renounce her dower.

II. *And be it further enacted* by the authority aforesaid, That the wife of any grantor conveying real estate in the manner above prescribed, may, if she be of lawful age, release, renounce, and bar herself of, her dower, in all the premises so conveyed, by going before any Judge of the Court of Common Pleas, or justice of the quorum, or any Judge of the Court of the county wherein she may reside, or the land may be, and acknowledge before him, upon a private and separate examination, that she did freely and voluntarily, without any compulsion, dread or fear, of any person whomsoever, renounce and release her dower to the grantee, and his heirs and assigns, in the premises mentioned in such deed. *Provided*, that a certificate, under the hand of the woman, and the hand and seal of the Judge or Justice, as aforesaid, shall be endorsed upon such release, or a separate instrument of writing to the same effect, in the form or to the purport hereafter following, and be recorded in the office of nuncie conveyances, or office of the clerk of the county Courts, in the districts or county where the land lies.

THE STATE OF SOUTH CAROLINA,

— District.

Form of certificate for renunciation of dower.

I, F. G. one of the Judges of — (or justice of the quorum, as the case may be,) do hereby certify unto all whom it may concern, that E. B. the wife of the within named A. B. did, this day, appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear, of any person or persons whomsoever, renounce, release, and for ever relinquish unto the within named C. D. his heirs and assigns, all her interest and estate, and also all her right and claim of dower, of, in or to all and singular the premises within mentioned and released.

Given under my hand and seal, this — day of — Anno Domini —

Signed

E. B.

[t. s.] F. G. Judge of

III. *And be it further enacted* by the authority aforesaid, That every married woman, of the age of twenty-one years, who may be entitled to any real estate as her inheritance, and may be desirous of joining her husband in conveying away the fee simple of the same to any other person, may bar herself of her inheritance in such real estate, by joining with her husband in a release to the purport of the one herein before prescribed: *Wife may release her inheritance.* Provided she will go before some one of the judges or justices, in the second clause of this Act mentioned, at any time after the expiration of seven days after such release has been duly executed as aforesaid, and will then, upon a private and separate examination by him, declare to him that she did, at least seven days before such examination, actually join her husband in executing such release, and did then, and at the time of her examination still does, freely, voluntarily, and without any manner of compulsion, dread or fear, of any person or persons whomsoever, renounce, release, and for ever relinquish, all her estate, interest and inheritance in the premises mentioned in the release, unto the grantee, and his heirs and assigns: And also provided, that a certificate, signed by the woman, and under the hand and seal of the judge or justice, as aforesaid, shall then be immediately indorsed upon the said release, or a separate instrument of writing to the same effect, in the form or to the purport of the certificate prescribed in the second clause of this Act; to which certificate an addition to the following effect shall invariably be made, to wit: that the woman did declare that the release was positively and *bona fide* executed at least seven days before such her examination; and such renunciation shall not be considered as being complete or legal, until the same shall be recorded in the office of mesue conveyances, or office of the clerk of the county courts, in the districts or county where the land lies.

In the Senate House, the twelfth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT CONCERNING THE OFFICE OF SHERIFF.

No. 1610.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the persons who shall hereafter be elected to the office of sheriff of a district, or to be appointed thereto by the Governor, during the recess of the Legislature, shall, within three weeks immediately succeeding such election or appointment, enter into a bond, drawn payable to the treasurers of the State for the time being, and their successors, in the sums hereinafter mentioned, conditioned for the due and faithful discharge of the duties of the said office, as required or to be required by law; which bonds shall be executed by the said sheriffs respectively, and any number of securities, not exceeding twenty, nor less than five; which securities, before they are accepted or received by the treasurers, shall be approved of in writing by the commissioners, in manner hereinafter directed, who are hereby severally authorized and required to consider and determine, in their several districts, respecting the competency of the several persons to be offered by the sheriffs, for the purposes aforesaid. And no person, *Sheriffs to give security.*

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to be elected or appointed to the office of sheriff, shall be permitted by the judges to enter upon the execution of his office until he hath recorded in the office of the clerk of the court of the district for which he is or may be elected or appointed, a certificate from the commissioners appointed by virtue of this Act, (which certificates they are hereby required to give) that such sheriff hath duly executed and lodged in the treasury such bond with such security as is required by this Act. And if any person so to be elected or appointed as aforesaid to the said office shall fail to provide and perfect the security, within the time required by this Act, the office of such sheriff shall be, and the same is hereby declared to be, vacated.

Amount of the security to be given in the different districts.

II. *And be it further enacted* by the authority aforesaid, That the bonds of the sheriffs of the several districts shall be given in the sums following, that is to say: the bonds to be given by the sheriff of Ninety-Six, the sheriff of Pinckney, and the sheriff of Washington, the sheriff of Orangeburgh, and the sheriff of Cheraw districts, shall be severally in the sum of fifteen hundred pounds sterling money; the bonds to be given by the sheriff of Camden, the sheriff of Beaufort district, and the sheriff of Georgetown district, shall be severally in the sum of five thousand pounds sterling money; and the bond to be given by the sheriff of Charleston district shall be in the sum of ten thousand pounds sterling money. And the persons who shall be approved of and join as securities in the bonds prescribed by this Act shall, severally, be held and deemed liable, each one for his equal part of the whole sum in which the bond is given, (the said sum to be divided into as many equal parts as there shall be securities in the bond;) and no more than such equal part shall be in any court recoverable of or from any one of the said securities, his heirs, executors or administrators; but nothing in this Act contained shall operate to prevent the securities from having and obtaining amongst one another just and equitable aid and contribution, as in other cases of securityship where there are several securities.

Bonds may be sued for.

III. *And be it further enacted* by the authority aforesaid, That the bonds to be given by the sheriff, according to this Act, and to be deposited in the treasury, may at all times be sued for by the public, or any private person who shall or may think themselves aggrieved by any misconduct of any sheriff; for which purpose the treasurers for the time being, and each of them, upon application at the treasury office, shall deliver to any person applying therefor, and paying the fees for doing the same, an exact and certified copy of any sheriff's bond there deposited; which copy, so certified, shall be good and sufficient evidence in all the courts of this State, in any suits so to be instituted. Provided nevertheless, it shall not be limited to any person who shall conceive himself aggrieved by any sheriff to commence any action against the security hereby required to be given, until a return of *nulla bona* shall have been made on some execution to be issued against the said sheriff, either at the suit of the person aggrieved, or some other person. Provided further, that if the said sheriff should have taken first and after a return of *nulla bona*, the security or securities shall not be entitled to an imparlance.

Sheriff not to shew the profits of the office to any person, nor to sell his office.

IV. *And be it further enacted* by the authority aforesaid, That in every obligation to be taken from the sheriff of each of the districts in this State, as before in this Act directed, it shall be made a part of the condition of the obligation that the sheriff do not, at the time of giving the bond, under any obligation, either in honor or law, to share the profits of the office with any person or persons whomsoever; and that he will not, directly or indirectly, sell or dispose of the office, or the profits thereof, but will either resign, and settle all his accounts, or continue in the actual discharge of

the duties thereof, by himself or his deputy or deputies, for and during the time for which he is elected, if he shall so long live.

V. *And be it further enacted* by the authority aforesaid, That Daniel Desaussure, Thomas Jones, Edward Trescot, Nathaniel Russell, and Stephen Lee, Esquires, for the district of Charleston; John A. Cuthbert, James Garvey, John M. Verdier, Peter Porcher, and Thomas Fuller, Esquires, for the district of Beaufort; Col. Wm. R. Thompson, Charles Jones Brown, Capt. Paul Warley, Col. Jacob Rumph, and Walter Robinson, Esquires, for the district of Orangeburgh; Paul Michau, junior, Samuel Smith, General Peter Horry, Daniel Tucker, and Edward Thomas, Esquires, for the district of Georgetown; William Pegues, William Thomas, Evander McIver, Allen Chapman, and Alexander McIntosh, Esqs. for the district of Cheraw; John Chesnut, Zachariah Cantey, Isaac Dubose, Burrell Boykin, and Duncan McRea, Esquires, for the district of Camden; Warren Beaufort, Edward Tellman, James Jordan, Elijah Nunn, and William Kennedy, for the district of Pinckney; General Pickens, General Anderson, Colonel Henry M. Wood, Colonel Lemuel Alston, and Colonel Eliab Moore, for the district of Washington; Arthur Simkins, John Bowie, James Caldwell, Jonathan Downes, and Patrick McDowall, Esquires, for the district of Ninety-Six—be respectively appointed commissioners to approve of the securities which may be offered by the sheriffs hereafter to be elected or appointed; and the said commissioners, or any three of them respectively, are hereby vested with full power to judge and determine on the sufficiency of the securities which may be offered by the sheriffs respectively, and, the better to enable them to discharge that duty, to administer an oath to each of the securities who may be offered, that he is worth, over and above all his debts, the sum for which he offers himself as security. Provided also, that in case any of the said commissioners shall depart this State, die, resign, or refuse to serve, the Governor of the State shall fill up the vacancy occasioned thereby, until the next meeting of the Legislature succeeding such departure, death, resignation, or refusal to serve.

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Names of commissioners to approve of securities offered by sheriffs.

In the Senate House, the twelfth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT TO ENABLE THE UNITED STATES TO PURCHASE A QUANTITY OF LAND IN THIS STATE, NOT EXCEEDING TWO THOUSAND ACRES, FOR ARSENALS AND MAGAZINES. No. 1611.

WHEREAS, the late Secretary of State of the United States, in his letter to the late Governor of this State, did request that he would take proper measures for obtaining the consent of the Legislature of this State, that the United States should purchase a quantity of land in this State, whereon arsenals and magazines might be erected:

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the

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Land to be purchased by the United States for arsenals and magazines.

authority of the same, That the United States, or such person or persons as may be by them authorized, shall have a right to purchase, in any part of this State that may be thought most eligible, the fee simple of any quantity of land, not exceeding two thousand acres, for the purpose of erecting arsenals and magazines thereon, agreeably to the Act of Congress entitled "An Act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," passed on the second day of April, in the year of our Lord one thousand seven hundred and ninety-four.

If parties cannot agree, land to be valued.

II. *And be it further enacted* by the authority aforesaid, That if the person or persons whose land may be chosen for the above mentioned purpose, should not be disposed to sell the same, or if the persons appointed to make the purchase should not be able to agree upon terms with such owner or owners of the said land, the same shall be valued upon oath by a majority of persons to be appointed by the Court of Equity or Court of Common Pleas of this State for that purpose; and the land shall be vested in the United States, upon their paying the amount of such valuation to the owner or owners of such land.

Jurisdiction retained by the State.

III. *And be it further enacted* by the authority aforesaid, That the said land, when purchased, and every person and officer residing or employed thereon, whether in the service of the United States or not, shall be subject and liable to the government of this State, and the jurisdiction, laws and authority thereof, in the same manner as if this Act had never been passed; and that the United States shall exercise no more authority or power, within the limits of the said land, than they might have done previous to the passing of this Act, or than may be necessary for the building, repairing, or internal government, of the arsenals and magazines thereon to be erected, and the regulation and management of the same, and of the officers and persons by them to be employed in or about the same: Provided always, that the said land shall for ever be exempt from any taxes to be paid to this State.

In the Senate House, the twelfth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1612. AN ACT TO PROVIDE FOR THE BARRELLING AND PACKING OF BEEF AND PORK FOR EXPORTATION, AT THE TOWNS OF CHATHAM, CAMDEN AND VIENNA.

Commissioners for the town of Chatham

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful to and for John Wilson, Allen Chipman, James Galispe, James Jenkins and William Strother, or any three of them, and they are hereby required, to appoint, on the second Monday in January, one thousand seven hundred and ninety six, and on the second Monday in January in every year thereafter, two public packers of beef and pork, at the town of Chatham, in the county of Chesterfield; which said public packers shall have all the powers, discharge all the duties, and be subject to and observe all the regulations, which are prescribed

for such packers in and by an Act of the Legislature entitled "An Act to prevent fraud and deceits in selling rice, pitch, tar, rosin, turpentine, beef, pork, shingles, staves and fire-wood, and to regulate the weighing of the several commodities and merchandize in this province," passed the seventeenth day of June, in the year of our Lord one thousand seven hundred and forty-six.

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II. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for John Kershaw, Zachariah Cante, John Adanson, Thomas Broom and David Bush, or any three of them, and they are hereby required, to appoint, on the said second Monday in January, in the year aforesaid, two public packers of beef and pork, at the town of Camden, in the county of Kershaw; which last mentioned public packers shall have all the powers, discharge all the duties, and be subject to all the regulations, which are prescribed in and by this Act for the packers hereby to be established at the town of Chatham aforesaid.

Commissioners
for the town of
Camden.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for, Hickeson Barker, William Goodman, Thomas Lee, Samuel Patterson and William Magan, or any three of them, and they are hereby required, to appoint, on the said second Monday in January, in the year aforesaid, two public packers of beef and pork, at Vienna, in the county of Abbeville; which last mentioned public packers shall have all the powers, discharge all the duties, and be subject to all the regulations, which are prescribed in and by this Act for the public packers thereby to be established at the town of Chatham aforesaid.

Commissioners
for Vienna.

IV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for any merchant, trader, or other person or persons whomsoever, from time to time, and at all times from and after the passing of this Act, to ship for exportation, on board any ship or vessel, any beef or pork for a foreign market, duly packed in pursuance of this Act, as if the same had been packed in the city of Charleston, by packers there legally appointed; any law, usage or custom, to the contrary in any wise notwithstanding.

V. *And be it further enacted* by the authority aforesaid, That if any of the said persons, hereby empowered to appoint public packers as aforesaid, shall die, or depart the county for which he or they are respectively appointed, or shall refuse or neglect to act, it shall and may be lawful for the remainder of those appointed, or to be elected in pursuance of this Act, to elect one or more persons in their room; and the person or persons so elected shall be invested with, and he or they shall and may lawfully use, exercise and enjoy, the same powers and authorities, in as full and ample manner, to all intents and purposes whatsoever, as the persons hereby appointed respectively can, or lawfully may or ought to do.

Vacancies how
to be filled.

In the Senate House, the twelfth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

A. D. 1795.

No. 1613. *AN ACT* TO REGULATE THE MANNER OF KEEPING PUBLIC ACCOUNTS
IN THIS STATE.

Federal currency adopted.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met in General Assembly, That from and after the first day of January, one thousand seven hundred and ninety-six, all accounts in the public offices of this State, and all accounts of the tax collectors, shall be expressed in dollars or units, dimes or tenths, cents or hundredths, and mills or thousandths; a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, and a mil the thousandth part of a dollar.

II. *And be it further enacted* by the authority aforesaid, That the verdict of the juries, on all contracts which shall be made after the first day of May next, shall be expressed conformably to this regulation.

In the Senate House, the twelfth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1614. *AN ACT* TO GIVE FURTHER ENCOURAGEMENT TO THE PROPRIETORS FOR
OPENING THE NAVIGATION OF THE CATAWBA AND WATEREE RIVERS.

Preamble.

WHEREAS, the General Assembly of the State of North Carolina, by an Act passed at Fayetteville, in the year of our Lord one thousand seven hundred and eighty-eight, did incorporate sundry persons therein named, and such others as should be associated with them, by the title of the Company for opening the navigation of the Catawba rivers; and did grant to them the right of causing a navigation to be made on the rivers aforesaid, by means of dams, canals and locks, or in such other manner as to them should seem most fit and convenient, from the South Carolina line as far up both branches of the Catawba river as may be found practicable, with certain other privileges therein mentioned: provided, that the State of South Carolina agrees that no restriction, duty, or impost, shall be laid on any commodity which is the growth, produce or manufacture of the State of North Carolina, brought through the said canals or rivers for sale or exportation, and that the same may be exported without re-inspection:

Exemption from duties granted.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and it is hereby enacted by the authority of the same, That no restrictions, duty or impost shall be laid by any law to be made by this State, on any commodity which is the growth, produce or manufacture of the State of North Carolina, brought through the said canals or rivers for sale or exportation; and that the same may be exported without any re-inspection to be required by any law of this State; unless the State of North Carolina shall hereafter agree that the said commodities shall be subject to the same regulations of inspection as the same commodities of this State are liable to, coming from the Catawba river; and provided, that nothing in this Act shall extend to pre-

vent the Companies of the Wateree and Catawba Navigation, and the Company of the Santee Navigation, from imposing such tolls on the aforesaid commodities from North Carolina as they impose on the commodities of the growth, produce or manufacture of this State, going through their respective navigations.

A. D. 1795.

II. *And be it further enacted* by the authority aforesaid, That nothing contained in the said Act of North Carolina shall be construed as a waiver or relinquishment of the claims of the said State to part of the territory of this State, but the said claim shall be and remain in the same plight as if the said Act had not been passed.

Proviso.

In the Senate House, the twelfth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE A LOTTERY, THE PROFITS WHEREOF SHALL BE APPROPRIATED TO THE PROMOTION OF USEFUL MANUFACTURES IN THIS STATE. No. 1615.

WHEREAS, William M'Clure hath petitioned the Legislature to assist him in establishing a cotton manufactory in this State, and it would be very advantageous to this State to have useful manufactories established in the same :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a lottery shall be established and drawn, and finally concluded and completed, the profits whereof, after deducting the necessary expenses attending the same, shall be applied towards the promotion of useful manufactures in this State ; that a profit shall be raised by the said lottery not exceeding the sum of eight hundred pounds ; that Thomas Lebre, William Turpin, Col. Thomas Taylor, John G. Guignard, Benjamin Waring, John Simpson, and John Hunter, shall be, and they hereby are appointed, commissioners to conduct and manage the same ; and the said commissioners, or any three of them, shall adopt such scheme or schemes for the purpose aforesaid as they may judge most proper, and shall appoint such time and place for drawing the same as they may think most advisable.

Lottery to be drawn.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners shall pay unto the said William M'Clure four hundred pounds, out of the profits of the said lottery, two hundred to be paid as soon as they shall receive a sufficient amount to enable them to pay the same with propriety, and the remainder to be paid when the said lottery shall be drawn and completely concluded. Provided, that the said commissioners shall, in trust for the State, previously take from the said William M'Clure an obligation or obligations, under the penalty of twice the amount paid to him, with such security as they shall deem sufficient, with a condition that he shall, within a certain time, by them to be ascertained, erect and complete a manufacture of cotton into what is commonly called

Wm. M'Clure
to receive
£400.

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and known by the name of Manchester wares: in which manufacture the said William McClure shall constantly employ and instruct at least as many as seven white persons, for the term of seven years.

Balance how
to be applied.

III. *And be it further enacted* by the authority aforesaid, That the said commissioners shall hold the rest of the profits of the said lottery, and shall apply them towards the promotion of such useful manufactory or manufactories as they may think deserving of their donation or support, taking care to require and take from every person to whom they may pay any part of the said profits such a bond or bonds as they are herein directed to take from the said William McClure. Provided, that no appropriation of the money remaining at the disposal of the commissioners shall be made without the concurrence of five or more of the commissioners appointed by this Act.

In the Senate House, the twelfth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1616. AN ACT to authorize the Commissioners therein appointed to clear out and remove the obstructions in the River Savannah, between Vienna and Campbellton, and the Town of Augusta; and to draw a Lottery or Lotteries for that purpose.

(Passed December 12, 1795. *See last volume.*)

No. 1617. AN ACT for opening a public road from Granby to Hampton's Bridge, at Augusta, and for establishing four Toll Bridges; and for other purposes therein mentioned.

(Passed December 12, 1795. *See last volume.*)

No. 1618. AN ACT to empower Commissioners therein named to cut, sink and keep in repair Drains and Water Passages in Cacaw Swamp, in St. Paul's Parish.

(Passed December 12, 1795. *See last volume.*)

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AN ACT to vest the City Council of Charleston with certain powers therein mentioned. No. 1619.

(Passed December 19, 1795. *See last volume.*)

AN ACT to complete East Bay-street, in Charleston, and for other purposes therein mentioned. No. 1620.

(Passed December 19, 1795. *See last volume.*)

AN ACT TO REVIVE AND CONTINUE IN FORCE THE FEE BILL, PASSED ON THE FOURTEENTH DAY OF FEBRUARY, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY-ONE, AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1621.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled "An Act for the establishing the annual salaries of the public officers of government, and for ascertaining and regulating the fees to be taken by those who by law may be entitled to them throughout the State," shall be, and the same is hereby declared to be, revived and in full force; and that the same shall continue in full force until altered by law, except such parts thereof as have already been altered by law. Act of 1791 re-enacted.

II. *And be it further enacted* by the authority aforesaid, That the attornies of the district courts throughout the State, shall render a faithful and true account, and pay to the clerks all fees by them received on their account, at least once in every six months; and that the said attornies, when called upon, shall, once in six months, shew their dockets, or some other full and true account of all suits that shall be ended, abated, compromised, settled or determined before judgment, or be out of court; and in all such suits or cases, the clerks shall immediately have a right to issue executions for their fees in such cases, in manner above mentioned; and the attornies shall, on application of the clerks, furnish them with the names and places of abode of the real plaintiff, or their agents, where the plaintiffs are out of this State. Attornies and clerks.

III. *And be it further enacted* by the authority aforesaid, That the fees for recording plats shall be ascertained and fixed by the courts, or one of the judges, at the time of the trial, or before the costs shall be taxed; that the clerks of Charleston district shall be entitled to receive the sum of one shilling for recording each and every judgment mentioned and contained in each and every of the circuit dockets, to be collected, remitted and sent to him with the said dockets, by the clerks of the district courts; that all fees that may accrue, for any business done after issuing of the first execution. Clerks of Charleston district.

A. D. 1795. shall be paid for in cash at the time such business is done ; and that the clerks shall be entitled to receive one shilling for each and every execution issued by them, for their fees due to the clerk's office,

In the Senate House, this nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate*,

ROBERT BARNWELL, *Speaker of the House of Representatives*.

No. 1622. AN ADDITIONAL ACT to the Act entitled "An Act to organize the Militia throughout the State of South Carolina in conformity with the Act of Congress ;" and for other purposes therein mentioned

(Passed December 19, 1795. *See last volume.*)

No. 1623. AN ACT to alter the time for the sitting of the Courts of Clarendon, Clairmont, Chester, Spartan, York and Abbeville.

(Passed December 19, 1795. *See last volume.*)

No. 1624. AN ACT to alter and amend an Act entitled "An Act to enable Commissioners therein appointed to clear out and remove the obstructions in that Branch of Ashpoo River which is called the Horse Shoe Creek, and to cut or sink and keep in repair a Drain or Canal from the head of the said Creek up the Swamp called the Round O Swamp, to the junction of the two Branches of the said Swamp, at the Plantation known by the name of Gilcickers : for opening Louder's Lake, and for other purposes therein mentioned," passed on the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-four.

(Passed December 19, 1795. *See last volume.*)

No. 1625. AN ACT to incorporate the Agricultural Society of South Carolina.

(Passed December 19, 1795. *See last volume.*)

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AN ACT for laying out certain Roads and establishing certain Ferries; No. 1626.
and for other purposes therein mentioned.

(Passed December 19, 1795. *See last volume.*)

AN ACT RESPECTING THE TOBACCO WAREHOUSES AT FALMOUTH, AT No. 1627.
ADAMS'S FERRY, AT SPRING HILL, AND AT CHATHAM, IN CHESTER-
FIELD COUNTY.

WHEREAS, a number of the inhabitants of the District of Ninety-Six have, by petition, represented to the Legislature that the inspections established at the tobacco inspections at Falmouth, Adams's Ferry, and Spring Hill, are under such regulations as are found inconvenient to the citizens of that district, and have prayed that in future the inspectors at those warehouses shall hold their appointments for only two years:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Joseph Hightower, John Gray, Samuel Walker, Thomas Rey, and Robert Ware, shall be, and they are hereby appointed, commissioners of the said three inspections, in the room of the present commissioners, and shall have all the powers and authority that are vested in the present commissioners; and that whenever any vacancy shall happen in the number of the said commissioners, either by the death or resignation of any one or more of them, or by removing out of the district, or otherwise, the Legislature shall appoint some disinterested person or persons to supply such vacancies.

Commissioners
of inspections
appointed.

II. *And be it further enacted* by the authority aforesaid, That no inspector for either of the said warehouses, hereafter to be appointed, shall hold his office longer than two years, unless he be re-elected by the commissioners.

III. *And be it further enacted* by the authority aforesaid, That William Strother, William Ellerbe, Allen Chapman, James Gallespie, and John Willson, be, and they are hereby appointed, commissioners of the tobacco inspection at the town of Chatham, in Chesterfield county, and shall have all the power and authority that are vested in commissioners at the other tobacco inspections in this State.

At Chatham.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT to incorporate Williamsburgh Academy, and to empower No. 1628.
the Trustees of the same to establish a Lottery or Lotteries.

(Passed December 19, 1795. *See last volume.*)

A. D. 1795.

No. 1629. AN ACT to vest certain Lands, in the District of Beaufort, in Trustees, for the purpose of building and endowing a College in the Town of Beaufort, and to incorporate the same ; and for other purposes therein mentioned.

(Passed December 19, 1795. See last volume.)

No. 1630. AN ACT FOR MAKING FURTHER PROVISION FOR THE DEBT OF THE STATE OF SOUTH CAROLINA.

Preamble. WHEREAS, the sum subscribed on the thirtieth day of September last, agreeably to the terms of an Act entitled "An Act for making such provision for the debt of the State of South Carolina, as is specified therein," does not exhaust the interest due to the State on the debt funded to its credit by the United States ;

Time of funding extended. 1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioner of loans be, and he is hereby, authorized and required to receive and fund all such indents as were fundable under and by virtue of an Act passed on the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-four, entitled "An Act for making such provision for the debt of the State of South Carolina as is specified therein," and which indents the holders thereof have neglected to fund under the said Act ; and the claims of Jas. M'Call, as specified in the commissioners' report : Provided, the said indents shall be subscribed on or before the last day of March next, on the same terms and subject to the same restrictions and provisos as the said Act contains.

Part of Gillon's indents to be refunded. II. *And be it further enacted* by the authority aforesaid, That the commissioner of loans for the time being be, and he is hereby, authorized and required to receive on loan, the said loan to continue open till the last day of March next, on the terms hereinafter declared, all indents issued to the late Commodore Alexander Gillon, on the portage bill book, which have been paid to the persons entitled, from the said portage bill book, to receive the same, and generally all indents which were issued to the said Alexander Gillon, and are now in the possession of other persons. Provided, the persons now holding any indents issued on the portage bill book shall satisfactorily prove to the said commissioner of loans, on or before the last day of March next, that they were bona fide purchasers of the same previous to the twenty-fifth day of January, in the year of our Lord one thousand seven hundred and ninety-two, and moreover, that at the time of such purchase they had no notice of the resolution of the House of Representatives of the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-one, expressive of their opinion of Commodore Gillon's conduct.

Terms of funding. III. *And be it further enacted*, That on receiving the said indents the commissioner shall calculate the interest accruing on them respectively to the first day of January, in the year of our Lord one thousand seven hundred and ninety-six, the aggregate sum whereof shall be paid in three certifi-

cates, one purporting that the State of South Carolina owes to the person or persons subscribing to said loan a sum, to be expressed in said certificate, equal to three ninths of the aggregate sum subscribed, bearing an interest of three per cent. from the said first day of January, in the year of our Lord one thousand seven hundred and ninety-six, payable quarter yearly; one other certificate, for a sum to be expressed therein, equal to four ninths of said aggregate sum, bearing an interest of six per cent. from the said first day of January, in the year of our Lord one thousand seven hundred and ninety-six, payable quarter yearly; and a third certificate, for a sum to be expressed therein, equal to two ninths of said aggregate sum, which certificate, from and after the year of our Lord one thousand eight hundred and six, shall bear an interest of six per cent. per annum, payable quarter yearly.

A.D. 1795.

IV. *And be it further enacted* by the authority aforesaid, That if the total amount of interest arising upon the sums loaned under the authority of this Act shall exceed the balance of interest remaining to this State on the debt due from the United States, that then the commissioner of loans shall deduct in average and proportion from the aggregate amount of each loan such a sum as will reduce the interest on the remaining sums to the amount of the interest due this State from the United States. And the commissioners of loans shall give to the subscribers aforesaid, respectively, certificates of the balances due to them, specifying the amount of the several descriptions of stock to which they are entitled; and the commissioner of the treasury in Charleston is hereby authorized and required to purchase, with any unappropriated monies that may be in the treasury, and to transfer to the holders of such certificates respectively, equal sums of the funded debt of this State, having regard to the several descriptions thereof, as specified in the said certificates, and paying such interest as may have accrued on such surplus certificate.

Surplus to be bought up.

V. *And be it further enacted* by the authority aforesaid, That the treasurer in Charleston be, and he is hereby, authorized and directed to receive from the commissioner of loans of the United States, all the monies that may be paid to this State by the United States, in extinguishment of the balance due to this State from the United States, and to apply the same to the extinguishment of the present six per cent. funded debt of this State, either by payment of two per cent. on the said stock, or by purchase of the same. Provided, that the treasurer shall not make any payment or purchase but by and with the advice and consent of the Governor of this State for the time being.

Six per cent. funded debt to be bought up.

VI. *And be it further enacted* by the authority aforesaid, That John Lewis Gervais, Esq. be, and he is hereby, continued commissioner of public accounts and of loans, to the end of the next meeting and sitting of the General Assembly, with all the powers heretofore annexed to these offices respectively: Provided, that in addition to the duties heretofore imposed on him by former laws, he also perform the duties of this Act.

J. L. Gervais continued in office.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the said States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

A. D. 1795.

No. 1631. *AN ACT TO PROVIDE FOR THE MAINTENANCE OF ILLEGITIMATE CHILDREN, AND FOR OTHER PURPOSES THEREIN MENTIONED.*

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by authority of the same, That from and after the passing of this Act, if any white woman be delivered of a bastard child or children, and shall, at any time after the birth thereof, voluntarily give information to some magistrate

The reputed father of a bastard child bound to maintain it.

of the county or parish in which she resides, or shall be brought before such magistrate on the information on oath of any other person, that such child or children will become a burthen upon such county or parish, and will declare on oath who is the father of her child or children, then, and in that case, the magistrate before whom such accusation shall be made shall issue a warrant to apprehend and bring before him, or some other magistrate, the person so accused, who shall be obliged to enter into a recognizance, with two good and sufficient securities, in the penal sum of sixty pounds, conditioned for the annual payment of five pounds for the maintenance of the child; or should the woman have more than one at a birth, then, and in that case, ten pounds for the maintenance of the said children, until the age of twelve years, and to save harmless the parish or county; and should the person so accused refuse to enter into such recognizance, he shall be committed to prison, there to remain until he shall enter into the stipulation herein before required; but should he be unable to comply with the requisitions herein before mentioned, or should he deny that he is the father of the said child or children, then, and in that case, a jury shall be charged, either in the court of sessions or common pleas, or in the court of the county where the woman resides, to try the question whether the person so accused is or is not the father of such child or children; and should the jury be of opinion that he is not the father of such child or children, then and in that case he shall be discharged; but should the jury be of opinion the charge is well founded, and that he is the father of such child or children, then, should he not give the security herein before required, the court shall bind him out to service for any time not exceeding four years, and the proceeds of his labor shall be applied by the court to the purposes aforesaid.

Mother of a bastard.

II. *And be it further enacted* by the authority aforesaid, That when any woman who is charged with having had a bastard child or children, shall be brought before a magistrate, and she shall refuse to declare on oath who is the father thereof, the magistrate aforesaid shall commit her to goal until she shall declare the same, or shall give security that the said bastard child shall not become chargeable to the county or parish wherein she resides.

Where parents are unable to maintain the child, the commissioners of the poor to provide for it.

III. *And be it further enacted*, by the authority aforesaid, That whenever it shall so happen that neither the father nor mother of a bastard child shall be able to support and maintain the same, the commissioners of the poor shall take care to assess and levy upon the inhabitants of the county or parish, such reasonable rates and sums, on the principles of the general tax, as may be sufficient to maintain, support and educate such child or children; and they are hereby vested with full powers to carry this provision into effect; and they shall lay before the superior or county courts, in their respective districts, once in every year, a statement of their proceedings and accounts in the execution of this Act; and the said commissioners of the poor are hereby vested with full powers to superintend the application of the monies paid, or secured to be paid, agreeably to this Act,

and to put out and bind as apprentices, at the proper age, the said bastards, to suitable trades or occupations. A.D. 1795.

IV. *And be it further enacted* by the authority aforesaid, That if any person who is an inhabitant of this State, or who hath any estate therein, shall have already begotten, or shall hereafter beget, any bastard child, or shall live in adultery with a woman, the said person having a wife or lawful children of his own living, and shall give, or settle, or convey, either in trust or by direct conveyance, by deed of gift, legacy, devise, or by any other ways or means whatsoever, for the use and benefit of the said woman with whom he lives in adultery, or of his bastard child or children, any larger or greater porportion of the real clear value of his estate, real or personal, after payment of his debts, than one-fourth part thereof, such deed of gift, conveyance, legacy or devise, made, or hereafter to be made, shall be, and is hereby declared to be, null and void, for so much of the amount or value thereof as shall or may exceed such fourth part of his real and personal estate. Certain conveyances of property declared void.

V. *And be it further enacted* by the authority aforesaid, That the Act entitled "An Act against bastardy," and also an Act entitled "An Act to prevent the destroying and murdering of bastard children," be, and the same are hereby, repealed. Repealing clause.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT to incorporate the Academy of Columbia; and for other purposes therein mentioned. No. 1632.

(Passed December 19, 1795. *See last volume.*)

AN ACT TO AUTHORISE THE COMMISSIONERS THEREIN APPOINTED TO ERECT A MAGAZINE AND LABORATORY AT GEORGETOWN AND BEAUFORT; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1633.

WHEREAS, it is necessary for the defence of Georgetown and Beaufort, that a magazine and laboratory should be erected within the same respectively: Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, and by the authority of the same, That General Horry, Charles Brown and David Pryor, be, and they are hereby appointed, commissioners, and are fully authorized and empowered, by virtue of this Act, to purchase a lot or piece of land, to erect and build thereon, in the town of Georgetown or its vicinity, a magazine capable of containing a hundred thousand weight of gunpowder, and a thousand stand of arms, and to enclose the Commissioners appointed for Georgetown.

A. D. 1795.

same with a substantial brick wall. And that the said commissioners shall, as soon as may be after the passing of the said Act, contract and agree with some proper person or persons for erecting and building the said magazine, and for annexing thereto a small laboratory, and shed sufficient to shelter two field pieces and several pieces of cannon; and also, that as soon as the same shall be completed, the said magazine, laboratory and shed, together with the lot or piece of land on which the same shall be erected, shall be vested in this State for ever.

Commissioners named, with power to erect a magazine and laboratory in Beaufort.

II. *And be it further enacted* by the authority aforesaid, That General Barnwell, Thomas Grayson and Ralph Elliott, 1e, and they are hereby appointed, commissioners, and by virtue of this Act are fully authorized and empowered to purchase a lot or piece of land, and to erect and build thereon, at the old court-house, in the town of Beaufort, a magazine capable of containing a hundred thousand weight of gunpowder and a thousand stand of arms, and to enclose the same with a substantial brick wall; and that the said commissioners shall, as soon as may be after the passing of this act, contract and agree with some proper person or persons for erecting and building the said magazine, and for annexing thereto a small laboratory, and a shed capable to shelter two field pieces and several pieces of cannon; and that as soon as the same shall be completed, the said magazine, laboratory and shed, together with the said lot of land, shall be vested in this State for ever, as aforesaid.

Powder receivers to be elected by the Legislature.

III. *And be it further enacted* by the authority aforesaid, That powder receivers for the said magazines at Georgetown and Beaufort shall be elected by the legislature of this State; whose duty it shall be, as soon as the said magazines are erected, to cause the powder in the different houses and stores in the said towns of Georgetown and Beaufort, where the same in quantity shall exceed fifty-six weight, to be removed to the said magazines, there to be deposited; and that no person or persons shall, under the penalty of fifty dollars, keep or retain, in his house or store, any quantity of powder exceeding that above mentioned; which said penalty shall be recovered by action at law, before any court of record in this State, and shall be applied towards keeping the said magazines in repair; and all suits commenced for the same shall be in the name of the powder receiver for the time being.

Fees of powder receivers.

IV. *Be it further enacted* by the authority aforesaid, That the said powder receivers shall receive thirty-five cents per hundred weight, on each hundred weight of powder received, and the same on each hundred weight of powder delivered out of the said magazines, and the same in proportion on each quantity of powder received or delivered, that may be either more or less than a hundred weight; and also twenty-five cents per hundred weight on each hundred weight which shall be continued in the same for any time longer than one month; and that the said powder receivers shall also, in consideration of their said services, be exempt from all militia duty.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

A. D. 1795.



AN ACT FOR RAISING SUPPLIES FOR THE YEAR ONE THOUSAND SEVEN No. 1634.

HUNDRED AND NINETY-FIVE.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in the manner herein mentioned, should be assessed, raised, and paid into the public treasury of this State, for the use and service thereof :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the half of one dollar per centum ad valorem on every hundred dollars, to be paid in specie or paper medium, shall be, and is hereby, imposed on all lands granted within this State, and in the manner and under the several regulations hereinafter set forth and expressed, that is to say: No. 1. All tide swamp, not generally affected by the salts or freshes, of the first quality, shall be rated at twenty-six dollars per acre; of the second quality, at seventeen dollars per acre; of the third quality, at eight dollars and one half dollar per acre; all pine barren land adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, at two dollars per acre; all prime inland swamp, cultivated and uncultivated, at an average of thirteen dollars per acre; second quality, at eight dollars and one half of a dollar per acre; third quality, ditto, at four dollars per acre; pine barren land, adjoining or contiguous thereto, at one dollar per acre; salt marsh or inland swamp, clearly proved to the assessors to be incapable of immediate cultivation, at one dollar per acre. No. 2. High river swamps or low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill, on Savannah river, the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality at thirteen dollars per acre; the second quality at eight dollars and one half of a dollar per acre; the third quality at four dollars per acre; except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. No. 3. All high river swamp, or low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, three dollars per acre. No. 4. All high lands without the limits of St. Philip's and St. Michael's parishes, on John's island, James island, and on the main, within twenty miles of Charleston, at four dollars per acre. No. 5. All lands on the Sea islands, Slann's island included, or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn or indigo, and not within the limits prescribed in class No. 4, four dollars per acre. No. 6. All oak and hickory high lands lying below Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, or the new boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers four and five, at three dollars per acre. No. 7. All pine barren lands not included in numbers one, four, and five, to be assessed at twenty cents per acre. No. 8. All oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality, at one dollar and the half of a dollar per acre; the second quality, at one dollar per acre; the third quality, at forty cents per

Rate of taxation
on lands.

A. D. 1795.

Rate of taxing
slaves, &c.

acre. No. 9. All oak and hickory high lands above the old Indian boundary line, the first quality, at one dollar and twenty cents per acre; the second quality, at twenty cents per acre; the third quality, at sixty cents per acre. That all land within the parishes of St. Philip and St. Michael shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country. That the sum of seventy-five cents per head shall be levied on all slaves; two dollars per head, on all free negroes, mulattoes, and mestizoes, between the ages of sixteen and fifty years; and the half of a dollar per centum ad valorem on all lands, lots and buildings within any city, village, or borough; and on every hundred dollars stock in trade, factorage, employments, faculties and professions, (clergymen, mechanics, schoolmasters and school-mistresses excepted)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in specie or paper medium of this State.

Slaves employ-
ed on Indian
lands.

II. *And be it further enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax.

Religious Soci-
eties exempted

III. And whereas, doubts have arisen and are still subsisting concerning the construction of former tax Acts, inasmuch as the tax collectors have assessed the property of divers religious societies, and also of the incorporated South Carolina Society and others: *Be it therefore enacted* by the authority aforesaid, that nothing in this Act, or in any former Act contained, shall be construed to impose a tax on any property of any religious society, or of the South Carolina or Fellowship Society.

Absentees dou-
ble taxed.

IV. And whereas, it is the duty of every person claiming of or receiving from this government the protection either of his person or property, to contribute not only his quota of money, but also those personal services which every citizen is bound to contribute for the support of that government, or to pay an additional tax in lieu of such services: And whereas, there are numbers of persons holding large estates in this country, who reside without the limits of the United States, and annually draw from this State great resources, which are expended in foreign countries without any advantage to this government, to which they are indebted for the protection of their property, *Be it therefore enacted* by the authority aforesaid, that every person holding, or being entitled to, any taxable property in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on their estate and property; which tax and assessment the tax collectors throughout this State are hereby required to exact and recover from every such person: Provided, nevertheless, that nothing herein contained shall be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission, or to the property of any young man sent abroad for his education, until he attain the age of twenty-three years, or to the property of any person now absent from the United States, unless such person has been absent for one year.

Compensation
of collectors,
assessors, &c.

V. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors, appointed by law, shall, for their services in the discharge of their duties, receive, on closing their accounts with the commissioners of the treasury, five per centum, except the parishes of St. Philip and St. Michael, who are to receive $2\frac{1}{2}$ per centum, on the amount of the taxes collected by them, to be allowed and paid to the several tax collectors.

VI. *And be it further enacted* by the authority aforesaid, That the assessors, enquirers, and collectors respectively, shall begin their enquiry on the first day of February next; and that where all the collectors who were appointed for any parish or county are dead, and the tax returns not closed with the commissioners of the treasury, the collector who shall thereafter be appointed is hereby directed and ordered to demand receipts or to administer an oath, or to procure other satisfactory proof, from the persons of the county or parish, that he or they had paid their taxes for the preceding years, in order to discover their taxes still due, and to enable the public to ascertain what sums of money are due by the estates of deceased collectors; and should the executors or administrators of the deceased collectors refuse to produce the accounts of the deceased, or give information on the subject, the commissioners of the treasury are hereby ordered to put the law in force against the estates of the deceased collectors.

A. D. 1795.

Returns of former taxes to be made.

VII. *And be it further enacted* by the authority aforesaid, That the assessors and collectors appointed by law shall do and perform all and singular the duties appertaining to their office, as described in an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein."

Duty of the assessors and collectors.

VIII. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury be, and they are hereby, directed to furnish copies of this Act to each of the assessors and collectors appointed by law, throughout this State, within one month after passing this Act, and their reasonable expenses incurred thereby shall be reimbursed.

Treasurers to furnish copies of this Act.

IX. *And be it further enacted* by the authority aforesaid, That all persons any wise liable to pay the taxes hereby imposed, shall, on the first day of February, 1796, give in a true and just return of the quality and quantity of lands and slaves, as directed to be taxed by law, either in his, her or their own right, or in the right of any person or persons whatsoever, as guardian, executor, administrator, attorney, agent or trustee, or in any other manner whatsoever; and shall, on or before the first day of April, in the year of our Lord one thousand seven hundred and ninety-six, pay in their taxes to the assessors and collectors appointed by law for the parish, county or district where the party making such return, either by himself or family, resideth the greatest part of the year. And that the said assessors and collectors shall pay the same, and settle their accounts with the treasury, on the first day of June, which will be in the year of our Lord one thousand seven hundred and ninety-six; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Time of payment of taxes.

X. And whereas, it will be beneficial to the State that the interest accruing on the paper medium should be appropriated towards defraying some part of the expenses of government; *Be it therefore enacted* by the authority aforesaid, That all the interest of the paper medium issued by virtue of an Act passed on the twelfth day of October, in the year of our Lord one thousand seven hundred and eighty-five, now due, or to grow due on or before the first Wednesday in March next, is hereby appropriated to make up any deficiencies of the money to be raised by this Act.

Appropriation.

XI. *And be it further enacted* by the authority aforesaid, That the instalment of the said paper medium which will be due on the first Wednesday in March next, shall not be required to be paid as directed by the Act entitled "An Act for raising supplies for the year of our Lord one thousand seven hundred and ninety-three," but shall be paid on the first Wednesday

The paper medium, when to be paid.

A. D. 1795

in March, which will be in the year of our Lord one thousand eight hundred and one: Provided always nevertheless, that no person shall be entitled to the benefit of this clause who shall not give an additional security, if required by the treasurer of Charleston, in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which shall be made in paying the interest to grow due in March next.

What shall be
received for
taxes.

XII. *And be it also further enacted* by the authority aforesaid, That nothing shall be received by the treasurers in payment of the taxes herein before directed to be raised, but silver and gold coin made current in this State, and the paper medium issued by the authority of the Legislature, or bank paper redeemable in the first instance with gold and silver at the bank of the United States, the branch thereof in Charleston, and the bank of South Carolina, or certificates for the pay of the members of the Legislature, and of the Solicitors, for their attendance thereon.

Fremasons.

XIII. *And be it further enacted* by the authority aforesaid, That the tax collectors are hereby directed and required to make no further demand of the officers and members of Lodge No. 2, Ancient York Masons, for any penalties or forfeitures incurred by them for not returning to the tax office a certain building in Lodge Alley, in the city of Charleston, the property of the said Lodge; and the said officers and members are hereby released from the same. The tax collectors, nevertheless, are required to demand and receive from the officers and members of the said Lodge, the arrears of taxes now due, as well as those which in future may be lawfully demanded by virtue of the tax laws of this State.

Land owned by
persons out of
the State.

XIV. *And whereas*, enormous tracts of land within the State have lately been sold in the Northern States and in foreign countries, and the owners thereof are supposed at present to pay no tax whatever; *Be it therefore enacted* by the authority aforesaid, That it shall be the duty, and is hereby enjoined on all tax collectors and assessors, to enquire for all such land, and demand the tax and arrears of tax to which it may be liable by this and the former Tax Acts.

XV. *And be it further enacted* by the authority aforesaid, That in case no tax nor arrears of tax shall be paid to the tax collectors and assessors, on land as above described, previously to the time of payment of the general tax, in the year one thousand seven hundred and ninety-six, then the tax collectors are enjoined strictly to enforce the law.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and in the twentieth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

ESTIMATE

Of supplies wanted for the support of Government, for the year one thousand seven hundred and ninety-five.

SALARIES, AS SETTLED BY LAW—FOR

	DOLLARS
The Governor,	2,572
Secretary to the Governor,	430
The Chief Justice, (seven months salary due,)	2,000

Four Associate Judges, each \$2,572,	-	-	-	-	-	\$10,288	A. D. 1796.
Two Judges of the Court of Equity, each \$2,144,	-	-	-	-	-	4,288	~~~~~
Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, in addition to his other duties,	-	-	-	-	-	860	
Three Circuit Solicitors, each \$430,	-	-	-	-	-	1,290	
Treasurer in Charleston, for salary as Treasurer, and for transacting the business of the Loan Office, and Clerks,	-	-	-	-	-	2,658	
Treasurer in Columbia, for his salary and clerk,	-	-	-	-	-	1,290	
Clerk of the Senate, and Clerk of the House of Representatives, each \$1230,	-	-	-	-	-	2,460	
Two Messengers, one for each house, each \$216,	-	-	-	-	-	432	
Two doorkeepers, ditto, each \$216,	-	-	-	-	-	432	
Keeper of the State House and public offices in Columbia,	-	-	-	-	-	130	
Arsenal keeper and powder receiver in Charleston,	-	-	-	-	-	216	
Arsenal keeper and powder receiver at Abbeville Court House,	-	-	-	-	-	86	
Incidental charges and Contingent accounts passed, delivered the present session,	-	-	-	-	-	23,830	
Transient poor,	-	-	-	-	-	4,280	
State Printer's salary,	-	-	-	-	-	686	
Printer's bills, for extras,	-	-	-	-	-	1,200	
Contingent fund, subject to the Governor's drafts,	-	-	-	-	-	4,300	
Expenses of the members for the present session,	-	-	-	-	-	12,380	
Debt due to Mr. Burn,	-	-	-	-	-	7,944	
Commissions on receiving taxes,	-	-	-	-	-	8,570	
Commissioner for settling public accounts, for one year's salary due to him,	-	-	-	-	-	2,144	
The Pilot for the bar and harbor of Georgetown,	-	-	-	-	-	322	
Port Physician,	-	-	-	-	-	430	
Nine Brigade Inspectors, each \$216,	-	-	-	-	-	1,944	
Clerk of the Adjourned Court at Columbia,	-	-	-	-	-	86	
Loan at Philadelphia,	-	-	-	-	-	9,080	
Magazine Guard,	-	-	-	-	-	4,000	
Annuities,	-	-	-	-	-	5,380	
Governor's house in Columbia,	-	-	-	-	-	200	
Adjutant General,	-	-	-	-	-	1000	
To assist in finishing the court rooms in Charleston,	-	-	-	-	-	3000	
To the Rev. Mr. Dunlap, for preaching before the Legislature	-	-	-	-	-	90	
						<hr/> \$120,388	

AN ACT TO ENABLE TRUSTEES TO SURRENDER THEIR TRUSTS, IN THE MANNER THEREIN MENTIONED. No. 1635.

WHEREAS, doubts exist whether the Court of Equity have power to permit trustees to resign their trusts with the consent of the parties entitled to the use of the trust estate, and to substitute other persons to support the trusts:

Preamble.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in every case of a trust estate where the person or persons entitled to the use of any property or estate vested in trustees, being of age, or his, her or their guardian, if under age, may be willing to have other trustees substituted in the room of those in whom the legal estate is vested, or to have any one or more trustees substituted in the room of any one or more of the first or former trustees, the court of equity shall be, and they are hereby, authorized to permit such one or more of the first or former trustees to surrender his, her or their trust, and to appoint such one or more trustees in his,

Powers of the court of equity in regard to trusts.

A. D. 1796.

her or their room, as to the court of equity may appear fit, proper and advisable; and the trustee or trustees so appointed and substituted shall then be considered, to all intents and purposes, as vested completely and absolutely with all the estate, right, title, interest, powers, privileges and authority, and as liable to all the conditions, terms and restrictions, as that trustee or those trustees were vested with or liable to, in whose stead, room or place he, she or they may be so appointed or substituted; and the first or former trustee or trustees shall be therefrom completely exonerated and discharged. Provided always, that a certificate of such appointment and substitution shall be indorsed by the register or commissioner in equity, upon the original trust deed, if the trust be created by deed, and the deed can be found, and that such a certificate shall be annexed to the original will, if the trust be created by will, and be lodged therewith in the office where the will may be lodged; and that such a certificate shall also be recorded in the Secretary's office, or other office, wherever the deed or will may be recorded or lodged, or ought to be recorded or lodged.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1636. AN ACT to authorize the City Council of Charleston to increase the tax on Licences for retailing Spirituous Liquors: and to exempt certain Officers of the City of Charleston from serving on Juries.

(Passed December 19, 1796. See last volume.)

No. 1637. AN ACT TO PREVENT OBSTRUCTIONS TO THE PASSAGE OF FISH UP CHINQUEPIN AND THOMSON'S CREEKS.

WHEREAS, sundry persons, inhabitants of the upper part of Lexington county, as by their petition to the Legislature is set forth, have experienced great inconvenience by obstructions to the passage of fish up Chinquepin Creek; for remedy whereof,

Preamble.

Chinquepin
Creek.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every person who hath, or may hereafter erect, any fish dam, hedge, or any other obstruction, across Chinquepin Creek, between the confluence of the said creek with Black Creek and the mouth of Horsepen Branch, shall, by the first day of February next, provide a good and sufficient slope, at least six feet wide, for the passage of fish up the said creek; and upon neglect thereof shall forfeit and pay, to any person who shall inform and sue for the same, the sum of five dollars for every week during which such obstruction shall continue after the time aforesaid.

Provided nevertheless, that nothing herein contained shall be construed to prevent the proprietors of lands on the said creek from erecting mills and building mill dams across the same. A. D. 1796.

II. *And be it enacted*, That every person who hath or shall hereafter erect any fish dam, hedge, or any other obstruction, across Thomson's Creek, in Chesterfield county, shall, by the first day of February next, provide a good and sufficient slope, at least six feet wide, for the passage of fish up the said creek; and if such person shall fail or neglect so to do, he or she so failing or neglecting shall forfeit and pay, to any person who shall inform and sue for the same, the sum of five dollars for every day such obstruction shall continue after the time aforesaid.

In the Senate House, the nineteenth of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT to permit Miss Fenwick and the Hon. Robert Barnwell to have certain Negro Slaves brought into this State, which they heretofore sent into the State of Georgia; and for other purposes therein mentioned. No. 1638.

(Passed December 19, 1796. *See last volume.*)

AN ACT TO AFFORD MORE AMPLE SECURITY TO SUCH PART OF THE PROPERTY OF THE GOOD CITIZENS OF THIS STATE AS CONSISTS IN NEAT CATTLE. No. 1639.

WHEREAS, the practice of stealing cattle has become of late very prevalent in several parts of this State, to the great injury of many good citizens holding stock at range; for remedy whereof, and to enable sufferers in some measure to trace their property, and to bring offenders to justice; and whereas, an Act entitled "An Act to establish certain regulations in Georgetown," passed on the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, has been found by experience to be conducive to these desirable purposes:

Preamble.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners of the markets in Charleston shall be, and they are hereby, vested with full power, and are required to compel butchers and others to produce to the clerks of the markets in Charleston the hides and ears of all neat cattle, of whatsoever description or age, brought for sale to the said markets; the said ears to be immediately destroyed by the clerk to whom they may be produced, who shall be entitled to demand and receive from all butchers and others bringing the same to

Hides and ears of butchered cattle to be produced.

A. D. 1796.

Penalty on
neglect.

market the sum of four cents, as a compensation for his keeping a regular account in a book of all the brands and marks of such cattle and of the names of the parties producing them.

11. *And be it also enacted* by the authority aforesaid, That any butcher or other person who shall neglect or refuse to comply with the terms prescribed by this Act, shall forfeit and pay the sum of ten dollars for every such offence, to be recovered in a summary manner, before the court of wardens in the said town, to be applied by them to the use and benefit of the Orphan House in the same.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1640. AN ACT to open and keep in repair a Canal to lead from Rogers's Lake into Pedee River.

(Passed December 19, 1796. *See last volume.*)

No. 1641. AN ACT TO CEDE TO THE UNITED STATES THE JURISDICTION OF A PROPER PLACE, ON NORTH ISLAND, WHEREON A LIGHT HOUSE MAY BE ERECTED.

Preamble.

WHEREAS, the Congress of the United States, on the twenty-first of February, in the year of our Lord one thousand seven hundred and ninety-four, passed an Act to provide for the erection of a light house for the harbor of Georgetown in this State, and a situation on North Island having been deemed the most eligible for that purpose; and whereas, Paul Trapier, Esq. the proprietor of the said island, hath made a gratuitous conveyance, in fee simple, to the use of the United States, for the above purpose, of seven acres of land, situated on the said island, butting and bounding to the eastward on the sea, to the west and north by lands belonging to Mr. Trapier, and on the south by Winyaw Bay; but whereas, it is necessary that, in addition to the said conveyance, there should be a cession, by the Legislature, of the jurisdiction to the said land:

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same. That the said lands, conveyed by the said Paul Trapier as aforesaid, together with the jurisdiction of the same, as far as the same shall be incidental and essential for the erection of a light house, forts, magazines, arsenals, dock yards, and other needful buildings, and the appointment of officers, and the general regulation of the said light house, forts, magazines, arsenals and dockyards, from and after the passing of this Act shall be, and is hereby, ceded to, vested in, and assured unto the United States,

Jurisdiction of
land for a light
house, &c.
granted to the
U. States.

absolutely and for ever. Provided nevertheless, that the said United States shall build and sufficiently support, maintain, and keep in good repair, and rebuild when necessary, the said light house, from time to time and at all times hereafter, and shall also erect or cause to be erected proper leading marks to and for or as appending to the said light house, and cause necessary buoys to be stationed in fit places, for the further and better securing the navigation of the same.

A. D. 1796.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT TO GRANT TO NATHANIEL TWINING THE EXCLUSIVE PRIVILEGE No. 1642.
OF RUNNING A LINE OF STAGES TO AND FROM CERTAIN PLACES FOR A
LIMITED TIME.

WHEREAS, Nathaniel Twining has presented a petition to the Legislature, praying that an Act may be passed securing to him the exclusive right to run a line of stages from Georgetown in this State, to Charleston, and from thence to Savannah in the State of Georgia, and great convenience and advantage would result to the inhabitants of this State to have such stages established :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Nathaniel Twining shall, for the term of ten years, have the exclusive right and privilege of keeping, maintaining and running such stages from Georgetown in South Carolina, to Charleston, and from Charleston to the city of Savannah; and that if any person or persons shall within that time, for any hire or reward, make a practice of carrying people in any carriage any where between Georgetown and Charleston, or between Charleston and Savannah river, such person or persons shall forfeit double the amount of any hire or reward so received by him or them, to the said Nathaniel Twining, his executors and administrators, and be liable to a special action for the recovery of the same.

Exclusive right given to Twining.

II. *And be it further enacted* by the authority aforesaid, That the said Nathaniel Twining, his executors and administrators, shall keep fit, good and sufficient stage coaches, and good strong able and proper horses, and suitable and capable drivers for the convenience and accommodation of travellers, and shall be obliged to run a stage at least once in every week from Georgetown to Charleston, and from Charleston to Georgetown, and from Charleston to Savannah river, and from Savannah river to Charleston. And in case the said Nathaniel Twining should neglect, or fail to keep, maintain and support such stage coaches, horses, drivers, or neglect to run the said coaches as often as is required by this Act, upon complaint thereof made, and satisfactory proof given to the court of sessions or common pleas, in any district of this State, he, the said Nathaniel Twining, his executors or administrators, shall forfeit all benefit and advantage resulting to him from this Act, and shall also be liable to an action on the case, at the suit of any

His duties.

A. D. 1796.

party aggrieved thereby: Provided nevertheless, that exclusive privilege of running the aforesaid line of stages, shall not be construed so as to interfere with the establishment of any stages by the government of the United States.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1643. AN ACT TO REPEAL SO MUCH OF THE ACT ENTITLED "*An Act to alter and amend the law respecting Juries, and to make some additional regulations to the Acts for establishing the Circuit Courts,*" PASSED ON THE TWENTIETH DAY OF DECEMBER, ONE THOUSAND SEVEN HUNDRED AND NINETY-ONE, AS RELATES TO SPECIAL JURIES.

Preamble.

WHEREAS, the regulations made by the above mentioned Act for drawing and summoning special jurors in civil actions, have been found by experience to be productive of great delays and inconvenience in the administration of justice: For remedy whereof,

Clauses repealed.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by authority of the same, That so much of the said Act as relates to and regulates the mode of drawing and summoning special jurors in civil actions, comprehended in the first, second, third and fourth sections of the said Act, be, and the same is hereby, repealed, and made null and void.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1644. AN ACT TO PREVENT DEBTORS FROM PURCHASING REPEATEDLY THEIR OWN PROPERTY AT SHERIFF'S SALES, TO THE DELAY OF THEIR CREDITORS, AND FOR THE BETTER REGULATION OF SHERIFF'S AND OTHER SALES AT PUBLIC AUCTION.

Purchasers to pay ten per cent. on their purchases.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That at all sheriff's sales made in any county or district of this State, after the first day of April next, every purchaser shall, if the plaintiff desires and directs the same, immediately after any article of property

shall be knocked off to him, pay into the hands of the sheriff making the sale, a sum which shall at least be equal to ten per cent upon the amount of his purchase, towards the payment thereof; and if he should fail or neglect to make such payment, the sheriff shall immediately set up the same property for public sale, upon the spot; and shall not, upon such re-sale, or any other sale of the same property, under the same execution, or upon the same account afterwards to be made, receive the bid of the first purchaser or his agent: Provided that such plaintiff give notice, in writing, to the sheriff, of his requiring the same, in time to enable him to insert such his intention in one at least of his public notices of such sale.

A. D. 1796.

II. *And be it further enacted* by the authority aforesaid, That if any purchaser, after paying the percentage aforesaid, shall fail or neglect to comply with the terms of the sale, all the money so paid shall be forfeited to the plaintiff in the execution under which such sale was made; and shall, if the sale by any sheriff or constable, be applied first to pay the costs and charges accrued, or due upon the suit and sale; and the surplus, if any, shall be applied towards paying the debt. And the sheriff or constable making the sale, shall not, at any re-sale of the same property, under the same execution, or upon the same account, receive or take notice or any bid made by the first or any other former purchaser.

The deposit to be forfeited, and the first purchaser's bid refused at a re-sale.

III. *And be it further enacted* by the authority aforesaid, That if any person shall, at any re-sale made by any sheriff or constable, on account of the first or any former purchaser having failed or neglected to pay the percentage aforesaid, or to comply with the terms and conditions of the sale, whether the same was made for cash or credit, such person shall himself be bound by his purchase, and shall comply with this Act, and the terms and conditions of such re-sale, and shall not be allowed to say, set up or pretend that he bought the same as agent for the first or any former purchaser: Provided always, that it shall be publicly proclaimed by the crier at such sale, that the same was to be made on account of the first or some former purchaser, and that the conditions and terms of the sale shall, in like manner, be proclaimed by him immediately before the property is set up.

Bidders on re-sales not to be considered as agents.

IV. *And be it further enacted* by the authority aforesaid, That if after the percentage aforesaid shall have been paid, any thing on the part of the seller or his agent should prevent proper titles from being made for the property sold, within a reasonable time, or otherwise obstruct the completion of the sale, the said percentage shall be returned and restored to the purchaser, and by him may be recovered by action on the case, together with interest thereon, if such return or restoration should be neglected or refused to be made, after being demanded; and the sheriff and his securities shall be liable for such percentage and the interest thereon.

Deposit to be returned, if titles are not made.

V. Whereas, serious mischiefs have arisen from the mode practised by sheriffs in omitting to insert in their advertisements of property the name or names of the several person or persons to whom the same belongs, and also the name or names of the persons at whose suit the same is sold: for remedy thereof, *Be it enacted* by the authority aforesaid, That from and after the passing of this Act, the several sheriffs of this State shall be obliged, and are hereby required, in all future advertisements of property to be sold by them at sheriff's sales, to insert in their advertisements thereof, for the general information of the public, as well the name or names of the debtors or persons to whom the same belongs, as also the name or names of the persons or creditors at whose instance or suit the same is intended to be sold, and that any sheriff neglecting so to do shall be, and is hereby declared to be, subject to a penalty of fifty pounds sterling, and all damages, to be recovered by any person or persons who may be injured by such omission, by action in any court of law in this State.

Sheriff's to advertise.

A.D. 1796.

Sheriff to pay
over to the cre-
ditor, all monies
received, in ten
days.

VI. *And be it enacted* by the authority aforesaid, That the sheriffs be, and they are hereby, required to pay over to the plaintiff or his attorney, all and every sum or sums of money which they may respectively receive on account of such plaintiff, within ten days after he shall receive the same, any law, usage or custom to the contrary thereof in anywise notwithstanding. And if any sheriff shall refuse to pay over the same within ten days after he shall receive the same, if demanded, then and in such case he shall be liable to forfeit and pay to the said plaintiff the sum of fifty per cent on the sum so received, to be recovered by action of debt; and the respective courts, out of which the executions may issue, shall be, and they are hereby, authorized and required to make all such rules and orders as they may judge necessary to carry this Act fully into effect.

Sheriff of
Georgetown to
advertise.

VII. *And be it also enacted* by the authority aforesaid, That the sheriff of Georgetown district be compelled in future to advertise in the newspaper such property as is offered for sale by him as sheriff.

In the Senate, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1645. AN ACT to prohibit the importation of Negroes until the first day of January, one thousand seven hundred and ninety-nine.

(Passed December 19, 1796. See last volume.)

No. 1646. AN ACT TO AMEND AN ACT ENTITLED "*An Act to prevent the spreading of contagious distempers in this State.*"

Preamble.

WHEREAS, in consequence of the removal of the seat of government from Charleston to Columbia, inconveniences have been experienced from the sole power of compelling vessels (suspected of being infected with any contagious distemper) to perform quarantine, being vested in the Governor:

The power of
the Governor
respecting
quarantine, &c.
extended to the
intendant and
wardens of
Charleston, &c.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the powers and authorities in and by the said above recited Act vested in the Governor, so far as the same relates to the compelling of vessels to perform quarantine in the harbor of Charleston, shall be, and the same is hereby, vested in the intendant and wardens of the city of Charleston, at all times when the Governor shall be absent from the city; and in the commissioners of the streets in the towns of Beaufort and Georgetown.

II. And whereas, inconvenience has arisen to a number of citizens, who, under the authority of an Act of the Legislature, have located and

improved lots on Sullivan's Island, from the pesthouse being erected on said Island; and whereas, the occupants of said lots are willing and desirous that a pesthouse should be erected in some other place; *Be it therefore enacted* by the authority aforesaid, That the intendant and wardens be empowered, and they are hereby empowered, to purchase or hire some convenient and suitable situation on which a pesthouse may be erected; and to lay a taxor assessment on the lots on Sullivan's Island, not exceeding thirteen dollars, to defray the expense of the same: Provided nevertheless, that the tax or assessment be proportioned to the comparative value of the said lots.

A. D. 1796.

Intendant and wardens empowered to remove the pesthouse.

III. *And be it further enacted* by the authority aforesaid, That the intendant and wardens be authorized, and they are hereby authorized and empowered, to make sale of the building distinguished by the name of the lazaretto, on said Island, or to hire the same, and apply the proceeds arising therefrom in aid of the funds to be raised by the tax or assessment above mentioned: Provided nevertheless, that no title to be conveyed under this Act shall be more efficient or durable than the title under which the present occupants hold their respective lots.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT TO OPEN THE NAVIGATION OF LITTLE PEEDEE RIVER.

No. 1617.

WHEREAS, sundry of the inhabitants on Little Pedee river and its vicinity have petitioned for leave to open the navigation of the said river:

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Newsom, Robert Hodges, Richard Woodberry, William Watson, Samuel Jarrall and Joseph Jenkins, Esquires, be, and they are hereby appointed, commissioners, and are vested with full power and authority to clear out, make navigable and keep open Little Pedee river, from its confluence with Great Pedee to the mouth of Drowning Creek, and from thence up the said Drowning Creek to the North Carolina line: And that in case of the death, resignation or refusal to serve, of any one of the said commissioners, a majority of the remaining ones shall have full power and authority to appoint another commissioner in his room.

Commissioners appointed.

II. *And be it enacted* by the authority aforesaid, That all the male inhabitants, as well freemen as slaves, residing within ten miles of the said river and creek, who are of the age of sixteen years, and not above fifty years, shall be liable to work upon the said river, to make navigable, clear out and keep open the same, not exceeding ten days in every year, at the time that the said commissioners or a majority of them or of their successors, may direct, under the penalty of one dollar for every day which they or either of the said male inhabitants may absent himself or themselves: Provided nevertheless, that none of the male inhabitants, residing within

Male inhabitants to work on said river.

A. D. 1796.

the said ten miles, who are liable by any former Act of the Legislature to work upon Great Pedee or Little Pedee, above the confluence of the same with Drowning Creek, shall, by virtue of this Act, be made liable to work upon Little Pedee.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1648. *AN ACT* TO VEST THE EXCLUSIVE RIGHT OF NAVIGATING PINE TREE CREEK IN CERTAIN PERSONS THEREIN MENTIONED.

Preamble.

WHEREAS, by an Act entitled "An Act for opening the navigation of Pine Tree Creek from the mouth of said creek to the forks thereof, near Camden," the proprietors of the lands whereon Colonel Kershaw's lower mills were formerly erected, were authorized to open and continue the navigation of the said creek as high up as the forks thereof: And whereas, it is but just and reasonable, in case the proprietors of lands as aforesaid, should complete, (as they propose,) the same at their sole expense, that they should be entitled to the sole benefit arising therefrom:

Exclusive right conferred.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the free and exclusive right to the use and navigation of Pine-tree creek, be, and the same is hereby, vested in Thomas Broom, James Kershaw, John Kershaw, Duncan M'Ra and Zachariah Cautey, the present owners and possessors of the lands and mills situated on the said creek, or in whomsoever may hereafter in their right, hold or possess the same; on the condition, herein before stated, of their opening and keeping navigable the creek aforesaid, at their sole expense. And it shall not be lawful for any person or persons to use or navigate the said creek, without paying the toll established by this Act.

Toll.

II. *And be it further enacted* by the authority aforesaid, That the said Duncan M'Ra, Zachariah Cautey, Thomas Broom, James Kershaw and John Kershaw, or whoever may in their right hereafter hold or possess the said lands and mills, shall and may fix and establish, and be entitled to take and receive, by way of toll, for all boats, vessels and rafts, passing on or through the said creek, such sum or rates, which shall be uniform, as they shall think proper to impose, not exceeding at any time twenty-five per cent. per annum on the money which they shall have expended in opening and keeping in repair the said creek; to ascertain which the books of the said persons shall always be liable to the inspection of the Legislature. That the said toll shall be vested in the said person or persons, for fourteen years, and be payable in the current money of the State; and that the said persons may stop any goods, vessels, boats or rafts, from passing on the said creek, until payment of the said toll.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

A. D. 1796.

**AN ACT TO REMOVE MAGISTRATES FROM THEIR OFFICE FOR MAL-
PRACTICE THEREIN.**

No. 1649.

WHEREAS, the only mode provided by the Constitution of this State for removing civil officers from their office is by impeachment before the Senate, according to the first, second and third sections of the fifth article of the constitution, and it is expedient to establish some easy, and at the same time just, mode of removing magistrates from their office for mal-practice therein :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any magistrate hereafter, upon prosecution commenced against him in the court of sessions, shall be convicted of mal-practice in office, in addition to such other punishments as may be authorized by law, upon such conviction, the judge or judges before whom the cause is tried shall immediately certify the same to the Governor and Commander-in-chief for the time being, and the Governor and Commander-in-chief for the time being is hereby authorized and required, immediately on receipt of such certificate, to remove such magistrate from his office by striking his name from the list of magistrates, and to give information of his being so struck off, by proclamation.

Governor empowered to remove magistrates, guilty of mal-practice, from office.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE POOR TO ASSESS AND COLLECT TAXES TO DISCHARGE DEMANDS DUE FOR THE SUPPORT OF THE POOR PRIOR TO THEIR BEING APPOINTED; AND TO AUTHORIZE AN ELECTION TO BE HOLDEN FOR COMMISSIONERS OF THE POOR IN EDGE-FIELD COUNTY.

No. 1650.

WHEREAS, doubts have arisen whether the commissioners of the poor have power to assess and collect taxes to discharge demands due for the support of the poor previously to their being appointed :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners of the poor, appointed or to be appointed, shall be, and they are hereby, authorized and empowered to assess and collect taxes for the purpose of discharging all debts and demands incurred or due for the support of the poor of their respective parishes or counties, previously to their appointment, in the same manner as they are to assess and collect taxes for the payment of the like debts and demands incurred and due after their appointment.

Commissioners of the poor to assess and collect taxes.

A.D. 1796.

Commissioners
to be chosen for
Edgefield.

II. Whereas, the managers of the election for members of the Legislature for the election district of Edgefield have omitted to hold an election for commissioners of the poor, as by law directed; *Be it therefore enacted*, That the said managers be empowered and required to hold an election for five commissioners of the poor for Edgefield county, on the first Monday in February next.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1651. AN ACT to re-establish a Ferry on Great Pedee River, near the town of Chatham, in Chesterfield County, and to vest the same in Elizabeth Bishop, her heirs and assigns, for the time therein mentioned.

(Passed December 19, 1796. See last volume.)

No. 1652. AN ACT TO PREVENT APPROPRIATIONS OF MONEY OTHERWISE THAN BY AN ACT OF THE LEGISLATURE.

Preamble.

WHEREAS, daily experience evinces the impropriety of the Legislature's granting money for any purpose in any other mode than by virtue of an Act of the Legislature:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That after the passing of this Act no sum of money shall be directed to be paid away out of the treasury of this State, unless the same be done by an Act to be passed for that purpose; and that no person who now is, or hereafter may be, indebted to the State in any manner whatever, shall be exempted or relieved in part or in the whole from the payment thereof, nor shall the State be divested of any right or interest whatever for the purpose of vesting the same in an individual, by any other means than under and by virtue of an Act to be passed for that purpose.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

A. D. 1796.

No. 1653.

AN ACT TO EMPOWER THE PROPRIETORS OF THE LANDS ON FOUR
HOLES SWAMP TO MAKE NAVIGABLE THE FOUR HOLES CREEK.

WHEREAS, sundry proprietors of the lands situate on the Four Holes Swamp, and other proprietors of lands in the vicinity of the same, have petitioned for an Act to be passed to authorize them to clear out, make navigable and to keep open the Four Holes Creek :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the proprietors of the lands situated on the Four Holes Swamp, from Edisto River to the Four Holes Bridge, or any ^{Four Holes Creek to be made navigable.} or either of them, at his, her or their proper labour or expense, shall have full power and authority to clear out, make navigable and keep open the creek called Four Holes or Steed's Creek, from its confluence with Edisto River up to the Four Holes Bridge.

II. *And be it further enacted* by the authority aforesaid, That if any person or persons shall stop up or in any manner obstruct the passage of the said creek, after the same shall be made navigable as aforesaid, be ^{Penalty on obstructing the navigation.} she or they so offending, on conviction thereof, shall forfeit and pay a sum not exceeding twelve dollars, to be sued for and recovered before any justice of the peace, for each and every such offence, the one half to be paid to such person or persons as may inform, the other half to be paid to the proprietors of the lands aforesaid, to be applied to the purpose of keeping the said creek open ; which said proprietors, under the names of the commissioners whom they may appoint to superintend the navigation of the said creek, are hereby authorized to sue for and recover.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT FOR REGULATING THE ADMISSION OF ATTORNIES AND SOLICITORS, TO PRACTICE IN THE COURTS IN THIS STATE. No. 1654.

WHEREAS, it is necessary that the mode of admitting attornies, counsellors and solicitors in the courts of law and equity in this State, should be further regulated by law :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in future every person who is a citizen of this State, or of the United States, and who shall have graduated in any regular college or university of this State, or of the United States, or in any ^{Conditions of admission of attornies, citizens of this State.} foreign university, who shall have served a regular clerkship, and have read law in the office of any practising attorney of this State, for and during the term of three years, subsequently to such his graduation, and shall have attained his full age of twenty-one years ; and also every person

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citizen as aforesaid, who shall not have graduated as aforesaid, but shall have served a regular clerkship, and have read law in the office of any regular practising attorney of this State, for and during the term of four years, and have attained his age of twenty-one years, (the said persons respectively undergoing an examination, to the satisfaction of the judges of the respective courts, in the manner hereinafter provided,) shall be, and they are hereby declared fit and competent to be, admitted to the bar of this State; and shall, upon application, be admitted and enrolled in the usual form.

Time and mode
of application
for admission,
and manner of
examination.

II. *And be it further enacted* by the authority aforesaid, That whensoever any candidate shall be desirous of offering himself for admission, he shall apply by petition to the court of common pleas, for an admission into that court, and to the court of equity, for an admission into that court, at Columbia or at Charleston, at any time during the sitting of the court to which he shall apply; and the judges being satisfied, by such proof as they shall think proper to prescribe, to the candidate being qualified and having performed the requisites aforesaid, shall and may make, and cause to be entered, a rule for the examination of such candidate, prescribing the time and place, nominating a competent number of the bar to attend and conduct such examination, under the superintendence and direction of any two or more of the judges of the said court, at which time and place the said examination shall be had, which shall continue until the presiding judges shall see fit to terminate the same; and if the said judges shall be satisfied of the skill, learning, character and fitness of the said candidate, for an admission into the said court, they shall cause the clerk to enter an order for such purpose, to make out the commission under the seal of the court, which shall be signed by one or more of the said judges, and given to the candidate, whose name shall be enrolled amongst the attorneys, counsellors or solicitors of the said court, as the case may be, and shall be qualified in the usual form of qualifying officers in this State.

Mode of ad-
mission of citi-
zens of other
states.

III. *And be it further enacted* by the authority aforesaid, That any citizen of the United States, coming to settle and reside in this State, who shall produce to the judges of the courts of law and equity of this State, in term time, satisfactory testimonials of his having been admitted and having practised for three years in the supreme court of law, or the court of equity, of any other State, upon taking the usual oaths shall be commissioned in like manner as other candidates.

In the Senate, the nineteenth day of December, in the Year of our Lord one thousand seven hundred and ninety six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1655. *AN ACT* TO PREVENT THE EXPORTATION OF BREAD AND FLOUR, NOT MERCHANTABLE, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Ensemble

WHEREAS, it is necessary for the advancement of commerce, that regulations should be established for the inspection of flour and bread, intended for exportation:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the persons hereinafter to be appointed to carry into effect this Act, or a majority of them, shall meet in the city-hall in the city of Charleston, on the second Monday of January next, and on the second Monday in January in every year thereafter, during the continuance of this Act, and then and there nominate and appoint a person of good repute, and skilful in the goodness and quality of flour and bread, to be inspector of flour and bread within the said city, for the year ensuing.

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Mode of appointing inspector.

II. *And be it further enacted* by the authority aforesaid, That every commissioner who shall vote for the said officer shall take the following oath before he shall proceed to the nomination and appointment of the officer aforementioned: "I, A. B. do swear that I will faithfully, honestly and impartially nominate and appoint such person to be inspector of flour and bread within the said city of Charleston, as I think, in my judgment and conscience, is fit and capable of executing the said office."

Oath to be taken by commissioners.

III. *And be it further enacted* by the authority aforesaid, That in case of the death of such officer so appointed, or his refusal or neglect to act, the said commissioners, or the major part of them, shall, as soon as conveniently may be thereafter, meet together and appoint one other such person as aforesaid, in the stead of the person so dead or refusing or neglecting to act, for the residue of the year; and if the said commissioners shall neglect and omit to nominate and appoint the said officer, then the Governor may appoint such officer, who shall be qualified agreeably to the directions of this Act, and have the like power and authority as if he had been by the said commissioners nominated and appointed.

Mode of filling up vacancies.

IV. *And be it further enacted* by the authority aforesaid, That all bolted wheat flour, and every cask thereof, brought to the said city for exportation, from and after the first day of August next, shall, by the bolters thereof be made merchantable and of due fineness, without any mixture of coarser or other flour.

Flour to be made merchantable.

V. *And be it further enacted* by the authority aforesaid, That from and after the first day of August next, all flour casks brought to Charleston for exportation, shall be made of good seasoned materials, well made, and tightened with ten hoops, sufficiently nailed with four nails in each chine hoop, and three nails in each upper bilge hoop, and of the following dimensions, viz: The staves to be of the length of twenty-seven inches, and the casks to be of the diameter of eighteen inches at the head. That every miller and bolter of flour, and baker of bread, for transportation out of the State, shall provide and have a distinguishable brand mark, with which he shall brand each and every cask of flour or bread, before the same shall be removed from the place where the same was bolted or baked. And every miller or bolter shall also brand every cask of flour according to the quality thereof, with the numbers one, two or three, and with the weight respectively, under the penalty of one dollar for every barrel of flour not hooped and nailed as aforesaid, and for every cask of flour or bread so removed and not branded as aforesaid, to be recovered from such miller or bolter who shall neglect to comply with the directions of this Act, or from the person who brings such flour or bread to Charleston aforesaid for sale. And in case a recovery shall be had against such person bringing the said bread or flour for sale as aforesaid, for the said penalty, such person shall and may have a recovery of the same, with costs, against the miller or bolter from whom such bread or flour was purchased or received, upon making it appear that he gave notice to such miller or bolter that he intended to carry the same to the city aforesaid, for sale for exportation, and

Construction of the flour casks.

Casks to be branded.

A. D. 1796. that he requested such miller or bolter to secure and mark the said barrels as aforesaid.

Neat weight of casks. **Penalty for short weight.** **Vl. And be it further enacted** by the authority aforesaid, That the said millers and bolters shall put into the casks numbered one, the full quantity or weight of one hundred and ninety-six pounds of flour; in the casks numbered two, the full quantity or weight of one hundred and ninety-six pounds; and in the casks numbered three, the full quantity or weight of one hundred and sixty-eight pounds of flour. And that if any miller or bolter shall pack any cask with a less quantity of flour than is directed by this Act to be contained in the casks of the different sizes and dimensions above mentioned, he shall forfeit, if the deficiency be one pound, twenty-five cents; if two pounds, fifty cents; and fifty cents per pound for every pound deficient above two.

Bread casks to be packed, &c. Penalty for false tare. **VII. And be it further enacted** by the authority aforesaid, That all casks wherein bread shall be packed, shall be weighed, and the tare marked thereon: and if any person shall put a false or wrong tare on any cask of bread, to the disadvantage of the purchaser, he or they shall forfeit, for every cask so falsely tared, one dollar. And the inspectors or their assistants respectively, upon suspicion, or upon the request of the buyers, shall, and are hereby required to, unpack any such cask of flour or bread as aforesaid, and if there shall be a less quantity of flour than is above directed, or if the cask or casks wherein bread is packed, shall be found to weigh more than is marked thereon, then the miller, bolter or baker, as the case may be, shall pay the charges of unpacking and repacking, over and above the penalties aforesaid, but otherwise the said charges shall be paid by the inspector, or by the purchaser if the trial be made at his request.

Invoice of bread to be delivered. **VIII. And be it further enacted** by the authority aforesaid, That every baker of bread for exportation shall deliver with the said bread an invoice thereof, with his brand marked thereon, together with his name signed thereto, under the penalty of five dollars for every invoice delivered contrary thereto: and if any cask or casks of bread upon trial be found lighter than is set down in the invoice, he shall forfeit for every pound deficient in the same proportion as is heretofore directed as to flour.

Flour to be inspected, and mode of inspecting. **IX. And be it further enacted** by the authority aforesaid, That all and every cask of flour brought to the said city, to be from thence laden and shipped for exportation, shall be submitted to the view and examination of the inspector so as aforesaid nominated and appointed, who shall search and try the same by boring the head, and piercing it through with an instrument not exceeding half an inch diameter, to be contrived for that purpose, in order to prove whether it be honestly and well packed, and also enable him to judge of its goodness, and shall afterwards plug up the hole. And if the said inspector shall judge the same to be merchantable, according to the directions of this Act, he shall brand every such cask of flour on the quarter with the word "Charleston," with a public brand and mark to be provided for that purpose, and shall also brand and mark the degree of fineness which he shall on inspection determine the said flour to be of; which degree shall be distinguished as follows, to wit: Superfine, fine, middling, ship-stuff; for which trouble he, the said inspector, shall have and receive of the owner of such flour the sum of seven cents for each cask, and no more.

Inspector's compensation. **X. And be it further enacted** by the authority aforesaid, That no inspector of flour shall brand any flour which shall prove on examination thereof to be unmerchantable, according to the true intent and meaning of this Act, but shall cause the same to be marked on the bilge with an arrow, or secure it for a further examination if required, which examination

Unmerchantable flour distinguished.

the owner shall procure to be made within the space of twenty days. And the inspector shall and may demand and receive, from the owner or owners thereof, the same rates and prices as if the same had been branded.

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XI. *And be it further enacted* by the authority aforesaid, That when any person shall think himself aggrieved, through the judgment or want of skill of the inspector, in rejecting the said flour as unmerchantable, it shall and may be lawful for such person to apply to the commissioners, who shall, at the charge of the complainant, issue their summons, directed to three indifferent persons well skilled in the manufacture of flour, to review and examine the same; which said three persons, so as aforesaid appointed, shall take the same oath or affirmation, (as the case may be,) as by this Act is hereinafter directed to be taken by every inspector of flour, and shall carefully view and examine the same; and if they, or any two of them, shall pass and declare the same to be merchantable, then and in such case the said inspector shall raze out the arrow, and fix such brand on the said flour as they, or any two of them, shall adjudge and determine, and repay to the said complainant the said cost; but if on such review the judgment of the said inspector shall be confirmed, then and in such case the said owner of such flour shall pay the cost of such review.

Appeal given
from the judgment
of the inspector.

XII. *And be it further enacted*, by the authority aforesaid, That every inspector shall be allowed four cents per barrel for storage, if stored; and if upon an appeal and review as aforesaid, the judgment of the inspector shall be confirmed, the person appealing shall pay the expense of such storage, and shall also pay the same if an appeal shall not be prosecuted. And if the judgment of the said inspector shall be reversed, then the said inspector shall forfeit his charge and expense of the said storage. And that the said inspector of flour, for his trouble, shall and may receive the sum of fourteen cents for each barrel by him reviewed.

Rates of storage.

XIII. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any person whosoever to export, ship, or lade on board of any ship or vessel for exportation out of this State, any of the casks or barrels of the said flour so marked with an arrow as aforesaid, or to export, ship, or lade on board of any ship or vessel for exportation out of this State, any of the casks or barrels of the said flour not examined and branded as aforesaid, on pain of forfeiture of eight dollars for each and every barrel so exported, or laden on board of any ship or other vessel for exportation, from this State.

Penalty for exporting unmerchantable flour.

XIV. *And be it further enacted* by the authority aforesaid, That every inspector of flour, who shall be nominated as aforesaid, shall on his appointment, and before his executing the said office, make oath or affirmation (as the case may be) before a justice of the peace, that without fear, favor, affection, malice, partiality or respect of persons, he will diligently and carefully view, examine and inspect all flour brought to the said city of Charleston, and which he shall be called upon to view, examine and inspect, to the best of his skill and knowledge; and that no flour shall be passed or branded by him without his viewing and examining the same; that he will not brand, or cause to be branded, any cask or casks of flour that do not appear, to the best of his skill and knowledge, to be in all respects sufficiently clean, sweet and merchantable; and that he will pass and brand all such casks of flour as shall appear to him sufficiently clean, sweet and merchantable, according to the degree thereof, to the best of his skill and knowledge, and according to the directions of this Act; and that he will not, wittingly or willingly, charge, ask, take, receive, exact or demand, any other or larger fees or rates, for doing his duty in his office as inspector of flour, than is mentioned or directed by this Act; and that he

Inspector's oath.

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will carefully and diligently view and examine all casks in which such flour shall be brought and contained; and that he will not pass or brand any cask or casks of flour, unless such cask or casks be of such size, goodness and thickness, as by this Act is required.

Inspector prohibited from dealing in flour.

XV. *And be it further enacted* by the authority aforesaid, That no inspector of flour shall purchase, directly or indirectly, any flour by him condemned as aforesaid, or any flour whatsoever, other than for his own family use, under the penalty of six dollars for each barrel by him purchased.

Penalty for altering marks or brands.

XVI. *And be it further enacted* by the authority aforesaid, That if any person shall alter the mark stamped on any barrel of flour by any inspector; or shall mark or brand any barrel of flour which hath not been inspected, with any mark or brand similar to or in imitation of the inspector's said mark or brand; or after the said inspector shall have passed any barrel of flour as merchantable, shall pack into the cask which contains the same, any other flour; or after any barrel of flour shall be branded with an arrow, shall unpack and repack the same into other casks or packages for exportation out of this State: such person shall forfeit and pay the sum of six dollars for every barrel.

Power to remove inspector.

XVII. *And be it further enacted* by the authority aforesaid, That the said commissioners, or the major part of them, shall be, and are hereby, empowered, at any time to displace or remove the said officer from his office, if the said commissioners, or the major part of them, shall see cause, and shall and may nominate and appoint another fit person to such office during the residue of the year, who shall have power to execute the same office, according to the directions of this Act, on his taking the said oath of office.

Flour to be inspected on board vessels, if required.

XVIII. *And be it further enacted* by the authority aforesaid, That the inspector of flour, appointed by this Act, shall, and is hereby directed, at the request of any person who shall bring above ten casks in any one vessel, to go on board such vessel in the harbor of the said city, and inspect the said flour on board, under the penalty of three dollars for every neglect or refusal.

Inspector may appoint assistants.

XIX. And whereas, it may sometimes happen, that by reason of a great quantity of flour being brought at once to Charleston, the person who shall be appointed inspector of flour, cannot alone, with sufficient dispatch, inspect and brand all such flour; and as it is apprehended that the most likely means to support the credit of the inspection brand, is to make one inspector answerable; *Be it therefore further enacted* by the authority aforesaid, That the person to be chosen and appointed inspector of flour, shall or may, on such occasions only, or in case of sickness, employ one or more persons of good repute, and well qualified for such service, as assistants, to assist him in the execution of his said office; and such assistants, after taking the oath or affirmation herein prescribed to be taken by the inspector of flour, are hereby authorized to inspect and brand any barrels of flour at Charleston, as the inspector himself might do.

Made of recovery, penalties.

XX. *And be it further enacted* by the authority aforesaid, That all and every of the penalties and forfeitures, in and by this Act set and appointed, shall be recovered before a single magistrate, as in case of small debts, or before the City Council, in the name of the commissioners, and be by them paid into the treasury of the State for the use of the public.

Commissioners for Charleston.

XXI. *And be it further enacted* by the authority aforesaid, That Edward Darrell, Thomas Morris, Nathaniel Russel, Robert Henry, Philip Gadaden, William Crafts and Adam Tunno, be, and they are hereby appointed, commissioners for carrying into effect this Act.

XXII. *And be it further enacted* by the authority aforesaid, That Zachariah Canteey, Thomas Broom, John Kershaw, John Adamson and Daniel Carpenter, or a majority of them, are hereby appointed commissioners to meet at the town of Camden, on the second Monday in January next, and on the second Monday in every January thereafter, to nominate and appoint a person of good repute, and skilful in the goodness and quality of flour, to be an inspector of flour at the said town of Camden; which said inspector shall have all the powers, discharge all the duties, and be subject to all the regulations, which are prescribed by this Act for the inspectors of flour in the city of Charleston.

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Commissioners
for Camden.

XXIII. *And be it further enacted* by the authority aforesaid, That Thomas Taylor, John Taylor, Timothy Rives, Benjamin Waring and Robert Lithgow, or a majority of them, are hereby appointed commissioners to meet at the town of Columbia, on the second Monday in January next, and on the second Monday in every January thereafter, to nominate and appoint a person of good repute, and skill in the goodness and quality of flour, to be an inspector of flour in the said town of Columbia; which inspector shall have all the powers, discharge all the duties, and be subject to all the regulations, which are prescribed by this Act for inspectors of flour in the city of Charleston.

Commissioners
for Columbia.

XXIV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for Samuel Smith, George Heriot, Savage Smith, Francis Gottier Delieesseline and Robert Elliott, or any three of them, and they are hereby required, to appoint, on the first Monday in January next, and on the first Monday in every January thereafter, one inspector of flour and bread, at the town of Georgetown; which said inspector shall have all the powers, discharge all the duties, and be subject to and observe all the regulations, which are prescribed by this Act for such inspectors of the city of Charleston.

Commissioners
for Georgetown.

XXV. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for Jesse Arthur, John Bynum, John Means, John Sims and Gerard Burke, or any three of them, and they are hereby required, to appoint, on the first Monday in January next, and on the first Monday in January in every year thereafter, one inspector of flour at the town of Granby, on the west side of the Congaree river; which said inspector shall have all the powers, discharge all the duties, and be subject to and observe all the regulations, which are prescribed by this Act for such inspectors at the city of Charleston.

Commissioners
for Granby.

XXVI. *And be it further enacted* by the authority aforesaid, That J. Bell, Duke Bell, Francis Carlisle, Alexander Noble and Wm. Scott, or any three of them, shall, and they are hereby required to, appoint, on the said first Monday in January next, and on the first Monday in January in every year thereafter, an inspector of flour, at the town or village of Vienna, on Savannah river; which said inspector shall have all the powers, discharge all the duties, and be subject to all the regulations, which are prescribed by this Act for such inspector at the said city of Charleston.

Commissioners
for Vienna.

XXVII. *And be it further enacted* by the authority aforesaid, That every clause, matter and thing herein contained, shall extend, as fully and amply, to the said towns of Georgetown, Granby, Vienna, Camden and Columbia, as if the same were particularly mentioned in every clause of this Act.

XXVIII. *And be it further enacted* by the authority aforesaid, That this

A. D. 1796. Act shall continue and be in force for and during the term of six years, and until the end of the then next session of Assembly.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1656. AN ACT to establish the Roads and Ferries therein mentioned; to prescribe certain regulations respecting Roads; and for other purposes therein mentioned.

(Passed December 20, 1796. *See last volume*.)

No. 1657. AN ACT to prolong the time for certain Officers of the Militia to take the oath or affirmation prescribed by law.

(Passed December 20, 1796. *See last volume.*)

No. 1658. AN ACT more effectually to prevent Shopkeepers, Traders and others, from dealing with Slaves having no tickets from their owners: and for other purposes therein mentioned.

(Passed December 20, 1796. *See last volume.*)

No. 1659. AN ACT FOR RAISING SUPPLIES FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND NINETY-SIX.

Preamble.

WHEREAS, we, the representatives of the free and independent State of South Carolina, in General Assembly met, have thought it expedient and necessary that a tax, for the sums and in the manner herein mentioned, should be assessed, raised, and paid into the public treasury of this State, for the use and service thereof:

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same. That the half of one dollar per centum ad valorem on every hundred dollars, to be paid in specie on

paper medium, shall be, and is hereby, imposed on all lands granted within this State, and in the manner and under the several regulations hereinafter expressed and set forth, that is to say: No. 1. All tide swamps, not generally affected by the salts or freshes, of the first quality, shall be rated at twenty-six dollars per acre; of the second quality, at seventeen dollars per acre; of the third quality, at eight dollars and an half per acre; all pine barren land adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, at two dollars per acre; all prime inland swamp, cultivated and uncultivated, at an average of thirteen dollars per acre; second quality, at eight dollars and an half; third quality, at four dollars per acre; pine barren land, adjoining or contiguous thereto, at one dollar per acre; salt marsh, or inland swamp, clearly proved to the assessors to be incapable of immediate cultivation, at one dollar per acre. No. 2. High river swamps or low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill, on Savannah river, the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality at thirteen dollars per acre; the second quality at eight dollars and an half per acre; the third quality at four dollars per acre; except such as lie so low as to be clearly proved to the assessors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. No. 3. All high river swamp, or low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, three dollars per acre. No. 4. All high lands without the limits of St. Philip's and St. Michael's parishes, on John's island, James island, and on the main, within twenty miles of Charleston, at four dollars per acre. No. 5. All lands on the Sea islands, Slann's island included, or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn or indigo, and not within the limits prescribed in class No. 4, at four dollars per acre. No. 6. All oak and hickory high lands lying below Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, or the new boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers four and five, at three dollars per acre. No. 7. All pine barren lands not included in numbers one, four, and five, to be assessed at twenty cents per acre. No. 8. All oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality, at one dollar and an half per acre; the second quality, at one dollar per acre; the third quality, at forty cents per acre. No. 9. All oak and hickory high lands above the old Indian boundary line, the first quality, at one dollar and twenty cents per acre; the second quality, at sixty cents per acre; the third quality, at twenty cents per acre. That all lands within the parishes of St. Philip and St. Michael shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country. That the sum of seventy-five cents per head shall be levied on all slaves; the sum of two dollars per head, on all free negroes, mulattoes, and mestizoes, between the ages of sixteen and fifty years; and an half dollar per centum ad valorem on all lands, lots and buildings within any city, village, or borough; and on every hundred dollars stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics, excepted)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in specie or paper medium of this State.

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Rate of taxation
on lands.

Rate of taxing
slaves, &c.

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Slaves employ-
ed on Indian
lands.

II. *And be it further enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax.

Religious Soci-
eties exempted

III. And whereas, doubts have arisen and are still subsisting concerning the construction of former tax Acts, inasmuch as the tax collectors have assessed the property of divers religious societies, and also of the incorporated South Carolina Society and others: *Be it therefore enacted* by the authority aforesaid, that nothing in this Act, or in any former Act contained, shall be construed to impose a tax on any property of any religious society, or of the South Carolina, Fellowship and Winyaw Indigo Society.

Absentees dou-
ble taxed.

IV. And whereas, it is the duty of every person claiming of or receiving from this government the protection either of his person or property, to contribute not only his quota of money, but also those personal services which every citizen is bound to contribute to the support of that government, or to pay an additional tax in lieu of such services: And whereas, there are numbers of persons holding large estates in this country, who reside without the limits of the United States, and annually draw from this State great resources, which are expended in foreign countries without any advantage to this government, to which they are indebted for the protection of their property: *Be it therefore enacted* by the authority aforesaid, that every person holding, or being entitled to, any taxable property in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on their estate and property; which tax and assessment the tax collectors throughout this State are hereby required to exact and recover from every such person: Provided, nevertheless, that nothing herein contained shall be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission, or to the property of any young man sent abroad for his education, until he attain the age of twenty-three years, or to the property of any person now absent from the United States, unless such person shall be absent for one year.

Compensation
of enquirers,
assessors, &c.

V. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors, appointed by law, shall, for their services in the discharge of their duties, receive, on closing their accounts with the commissioners of the treasury, five per centum, except the parishes of St. Philip and St. Michael, who are to receive $2\frac{1}{2}$ per centum, on the amount of taxes collected by them, to be allowed and paid to the several tax collectors.

Returns of
former taxes
to be made.

VI. *And be it further enacted* by the authority aforesaid, That the assessors, enquirers, and collectors respectively, shall begin their enquiry on the first day of February next; and that where all the collectors who were appointed for any parish or county are dead, and the tax returns not closed with the commissioners of the treasury, the collector who shall thereafter be appointed is hereby directed and ordered to demand receipts or to administer an oath, or to procure other satisfactory proof, from the persons of the county or parish, that he or they had paid their taxes for the preceding years, in order to discover their taxes still due, and to enable the public to ascertain what sums of money are due by the estates of deceased collectors; and should the executors or administrators of the deceased collectors refuse to produce the accounts of the deceased, or to give information on the subject, the commissioners of the treasury are hereby ordered to put the law in force against the estates of the deceased collectors.

VII. *And be it further enacted* by the authority aforesaid, That the assessors and collectors appointed by law shall do and perform all and singular the duties appertaining to their office, as described in an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein." A.D. 1796.

Duty of the assessors and collectors.

VIII. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury be, and they are hereby, directed to furnish copies of this Act to each of the assessors and collectors appointed by law, throughout this State, within one month after the passing this Act, and their reasonable expenses incurred thereby shall be reimbursed. Treasurers to furnish copies of this Act.

IX. *And be it further enacted* by the authority aforesaid, That all persons any wise liable to pay the taxes hereby imposed, shall, on the first day of February, 1797, give in a just and true return of the quality and quantity of lands and slaves, as directed to be taxed by law, either in his, her or their own right, or in the right of any person or persons whatsoever, as guardian, executor, administrator, attorney, agent or trustee, or in any other manner whatsoever; and shall, on or before the first day of April, in the year of our Lord one thousand seven hundred and ninety-seven, pay in their taxes to the assessors and collectors appointed by law for the parish, county or district where the party making such return, either by himself or family, resideth the greater part of the year. And that the said assessors and collectors shall pay the same, and settle their accounts with the treasury, on the first day of June, which will be in the year of our Lord one thousand seven hundred and ninety-seven; any law, usage or custom to the contrary thereof in any wise notwithstanding. Time of payment of taxes.

X. And whereas, it will be beneficial to the State that the interest accruing on the paper medium should be appropriated towards defraying some part of the expenses of government; *Be it therefore enacted* by the authority aforesaid, That all the interest of the paper medium issued by virtue of an Act passed the twelfth day of October, one thousand seven hundred and eighty-five, now due, or to grow due on or before the first Wednesday in March next, is hereby appropriated to make up any deficiencies of the money to be raised by this Act. Appropriation.

XI. *And be it further enacted* by the authority aforesaid, That the instalment of the said paper medium which will be due on the first Wednesday in March next, shall not be required to be paid as directed by the Act entitled "An Act for raising supplies for the year of our Lord one thousand seven hundred and ninety-three," but shall be paid on the first Wednesday in March, which will be in the year one thousand eight hundred and two: Provided always nevertheless, that no person shall be entitled to the benefit of this clause who shall not give an additional security, if required by the treasurer of Charleston, in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which shall be made in paying the interest to grow due in March next. The paper medium, when to be paid.

XII. *And be it further enacted* by the authority aforesaid, That nothing shall be received by the treasurers in payment of the taxes herein before directed to be raised, but silver and gold coin made current in this State, and the paper medium issued by the authority of the Legislature, or bank paper redeemable in the first instance with gold and silver at the bank of the United States, the branch thereof in Charleston, and the bank of South Carolina, or certificates for the pay of the members of the Legislature, and of the Solicitors, for their attendance thereon. What shall be received for taxes.

A. D. 1796.

Land owned by
persons out of
the State.

XIII. And whereas, enormous tracts of land within the State have lately been sold in the Northern States and in foreign countries, and the owners thereof are supposed at present to pay no tax whatever: *Be it therefore enacted* by the authority aforesaid, That it shall be the duty of, and is hereby enjoined on, all tax collectors and assessors, to enquire for all such land, and demand the tax and arrears of tax to which it may be liable by this and the former Tax Acts, and to report to the Legislature at their next meeting the result of all the information they may obtain relative to the same.

XIV. *And be it further enacted* by the authority aforesaid, That in case no tax nor arrears of tax shall be paid to the tax collectors and assessors, on land as above described, previously to the time of payment of the general tax, in the year one thousand seven hundred and ninety-seven, then the tax collectors are enjoined strictly to enforce the law.

Defaulting col-
lectors.

XV. *And be it further enacted* by the authority aforesaid, That all persons whomsoever, who have been or shall be appointed enquirers, assessors and collectors of the taxes of this State, and who have neglected or refused, or shall or may neglect or refuse, to give bond, with approved security, for the faithful discharge of their and each of their respective offices, in the manner and form directed and required by the second and third clauses of an Act of the General Assembly of this State, passed on the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, entitled "An Act declaring the powers and duties of the Enquirers, Assessors and Collectors of the Taxes, and other persons concerned therein," and who have neglected or refused, or shall or may neglect or refuse, fully to discharge and comply with all other duties and requisites mentioned, contained and required in the said Act, or in this Act, or in any other heretofore passed, each and every such enquirer, assessor and collector shall vacate his or their appointment, and the Governor or Commander-in-chief for the time being is hereby authorized and directed to appoint other fit and proper person or persons in his or their stead, who, on his or their giving bond in the sum of five thousand dollars, with sufficient security, to be taken and approved of in the manner and form directed and required in the second and third clauses of the aforementioned Act, and complying with the other requisites therein contained, shall do, perform and discharge all the duties required to be done by the enquirers, assessors and collectors of the taxes, and shall continue in office until the next meeting of the Legislature after such appointment. Provided nevertheless, that until the first day of June is hereby given and extended to all enquirers, assessors and collectors of taxes now in office to perform and discharge the conditions and requisites aforementioned and declared.

Penalty.

XVI. *And be it further enacted* by the authority aforesaid, That if any enquirer, assessor and collector of taxes now in office shall, after the first day of June aforesaid, or if any hereafter to be appointed shall, presume to enter upon or exercise the duties of his or their office, without having fully complied with this and the aforementioned Act or Acts, every such person or persons so offending shall forfeit the sum of five thousand dollars, to be sued for and recovered by either of the commissioners of the treasury, as the case may be, for the benefit of the State, or by any other person or persons who for his, her or their own benefit sue for and recover the same.

J. L. Gervais
continued in
office.

XVII. *And be it further enacted* by the authority aforesaid, That John Lewis Gervais, Esq. be, and he is hereby continued, commissioner of the public accounts and of loans, to the end of the next meeting and sitting of the General Assembly, with all the powers heretofore annexed to these

offices respectively, and to perform all the duties heretofore imposed on him by any law heretofore passed.

A. D. 1796.

In the Senate, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

ESTIMATE

Of supplies wanted for the support of Government, for the year one thousand seven hundred and ninety-seven, and to discharge demands incurred in the year one thousand seven hundred and ninety-six.

SALARIES, AS SETTLED BY LAW.

	DOLLARS.
The Governor,	2,572
Secretary to the Governor,	430
Four Judges of the Superior Courts of Law, each at \$2,572,	10,288
Two Judges of the Court of Equity, each \$2,144,	4,288
Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, in addition to his other duties,	860
Three Circuit Solicitors, each \$430,	1,290
Treasurer in Charleston, for salary as Treasurer, and for transacting the business of the Loan Office, and Clerk,	2,658
Treasurer in Columbia, for his salary,	1,290
Clerk of the Senate, and Clerk of the House of Representatives, each \$1230,	2,460
Clerk of the Treasurer in Columbia,	400
Two Messengers, each \$216,	432
Two doorkeepers, each \$216,	432
Keeper of the State House at Columbia,	130
Arsenal keeper and Powder receiver in Charleston,	216
Ditto ditto at Abbeville Court House,	86
Transient poor,	4,280
State Printer's salary,	686
Contingent fund, subject to the Governor's drafts,	4,300
Expenses of the members for the present session,	7,000
Commissioner for settling public accounts, for one year's salary,	2,144
Pilot for the bar and harbor of Georgetown,	322
Port Physician,	430
Nine Brigade Inspectors, each \$216,	1,944
Clerk of the Court at Columbia,	86
Adjutant General,	1000
Rev. Mr. Dunlap, for preaching before the Legislature,	90
To assist in finishing the court house in Charleston,	1000
Printer's bills, for extras,	1000
Magazine Guard,	2,750
Commission on receiving taxes,	8,500
Annuities,	6,000
Reimbursement of certain expenses incurred by the city of Charleston, in taking measures of security in the Summer of Ninety-three, resolved to be paid on the nineteenth and twenty-first December, Ninety-three, but not heretofore provided for in the Tax Bill,	1,481½
Balance of Loan at Philadelphia,	3,191

A. D. 1797.	Damages done to Gibson's Plantation,	-	-	-	-	-	95
	For making road over the mountains to Tennessee,	-	-	-	-	-	2,000
	For the expenses of printing reports of cases adjudged in the courts of law, by	-	-	-	-	-	
	Judge Bay,	-	-	-	-	-	1,000
	Contribution for the relief of the sufferers by fire in Savannah,	-	-	-	-	-	5,000
	Contingent accounts,	-	-	-	-	-	16,000
	For finishing a Court House and Gaol in Cheraw district,	-	-	-	-	-	1,700

In the Senate House, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-six, and in the twenty-first year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1660. AN ACT for establishing a Mutual Insurance Company in Charleston.
(Passed December 16, 1797. *See last volume.*)

No. 1661. AN ACT TO AUTHORIZE THE SECRETARY OF THIS STATE TO DELIVER OUT GRANTS OF LANDS, SURVEYED PREVIOUS TO THE YEAR 1792.

Preamble.

WHEREAS, sundry inhabitants of this State have petitioned the Legislature, setting forth that they are entitled to certain lands, surveyed previous to the year one thousand seven hundred and ninety-two, subject to the payment of a bounty, but for which the Secretary of State does not conceive himself at liberty to deliver out grants: and praying relief:

Secretary to
deliver out cer-
tain grants of
land.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Secretary of this State shall, and he is hereby authorized and required to, deliver out to the persons, their heirs or assigns, for whom surveys of lands were made, and duly returned, previous to the first day of January, in the year one thousand seven hundred and ninety-two, for any number of acres not exceeding six hundred and forty acres, grants of lands so surveyed and returned as aforesaid, upon receiving from such persons, their heirs or assigns, the legal bounty and fees due for the same. Provided nevertheless, that this State shall in no wise be held to warrant to such grantees the lands so granted, against the claims of others, or to refund any sum or sums of money which may be paid upon receiving such grants: provided nevertheless, that whenever any grant, not exceeding six hundred and forty acres, shall be applied for, previous its being taken out the person or persons who shall receive and take out the same, shall, before the delivery thereof, declare on oath, that the lands specified in the said grant or grants are truly and in reality applied for by the person or persons in whose favor the same is to be granted; or that the said land had been in part cultivated for one year; and that no person's name had been borrowed for obtaining the said lands.

II. *And be it further enacted* by the authority aforesaid, That the Secretary of this State is hereby authorized to deliver to Christian Faust a grant of six hundred and forty acres, being part of a grant to Thomas Cargill for nine hundred and twenty acres, in Winton county, on payment of the bounty money and fees. A. D. 1797.
Grant to C. Faust.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT concerning the Cavalry and Artillery of this State, and for other purposes therein mentioned. No. 1662.

(Passed December 16, 1797. *See last volume.*)

AN ACT TO COMPEL ALL DISTRICT SHERIFFS OR PROVOST MARSHALS, HERETOFORE APPOINTED IN THIS STATE, OR THEIR REPRESENTATIVES, TO LODGE IN THE OFFICES THEREIN MENTIONED, THE BOOKS OF THEIR RESPECTIVE OFFICES. No. 1663.

WHEREAS, great inconvenience has arisen, and many persons materially injured, by reason that the books kept in the offices of the several sheriffs and provost marshals heretofore appointed in this State, for the purpose of registering the transactions of said offices, are not accessible to the parties interested in those transactions: and whereas, it is highly expedient that some measure should be adopted, in order to render the said books accessible to the parties interested:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be the duty of the sheriff of Charleston district to apply to the persons who have heretofore exercised the office of provost marshal, previously to the twenty-ninth day of July, in the year of our Lord one thousand seven hundred and sixty-nine, or to their representatives, for all the books that have been kept in their respective offices, for the purpose of registering or entering the transactions of said offices, to wit: the writ book, execution book, sale books, receipt books, or any other books or papers, by whatever name the same may be called, that contain a register or entry of their transactions as provost marshal.

The Sheriff of Charleston district to apply to all former sheriffs for their books, &c.

II. *And be it further enacted* by the authority aforesaid, That it shall likewise be the duty of the sheriff of Charleston district, and the sheriffs of the several districts throughout the State, in like manner, to apply to the persons who have exercised the office of sheriff in their respective districts, since the said twenty-ninth day of July, in the year of our Lord one

Other sheriffs to do the same.

A. D. 1797.

thousand seven hundred and sixty-nine, or their representatives, for all the books that have been kept in their respective offices, as above particularly enumerated.

Upon receiving the books, how to dispose of them.

III. *And be it further enacted* by the authority aforesaid, That upon receipt of all or any of said books or papers, the same shall forthwith be lodged in the offices of the several sheriffs respectively, to whose offices the same may have reference. And in such cases where the aforementioned sheriff or provost marshal, or their representatives, shall conceive or deem it necessary to retain in their own hands the books or papers above mentioned, as evidence of their transactions, or for any other cause, the sheriffs aforesaid shall, and they are hereby required in all such cases to, make out and record in their offices respectively, fair and full copies of all such books and papers appertaining to the same, returning the originals to the parties requiring the same.

Penalty for refusing to deliver up books and papers.

IV. *And be it further enacted* by the authority aforesaid, That if any sheriff or provost marshal as aforesaid, or their representatives, shall refuse or neglect to deliver up to the several sheriffs herein mentioned, on or before the first day of July next, the several books and papers, as before mentioned, he and they shall forfeit and pay the sum of two hundred dollars; one fourth part thereof to the benefit of such person or persons as shall sue for and recover the same, and the rest to the State.

How to proceed in case books have been destroyed.

V. *And be it further enacted* by the authority aforesaid, That in such cases where the aforementioned books and papers, from accidents by fire, or other sufficient cause, cannot now be found, to be delivered up as herein directed, the particular circumstances occasioning such inability shall be fully stated by affidavits of the several persons who have heretofore exercised the offices of the provost marshal and sheriffs, or their representatives, in all which cases the penalties hereby inflicted shall not attach.

Expenses to be paid by the State.

VI. *And be it further enacted* by the authority aforesaid, That the expenses which may attend the recording of the books and papers herein mentioned, be paid from the public treasury.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1664. *AN ACT* TO AMEND AN ACT ENTITLED " *An Act for the abolition of the Rights of Primogeniture; for the giving an equitable distribution of the estates of intestates; and for other purposes therein mentioned,*" PASSED THE NINETEENTH DAY OF FEBRUARY, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY-ONE; ALSO FOR REGULATING SHERIFFS SALES.

Preamble.

WHEREAS, it hath been adjudged by the courts, upon the construction of the aforesaid Act, that in cases in which persons die intestate, leaving no wife or children, or lineal descendant, but leaving father or mother,

although such intestate also leave brothers and sisters, or brother and sister, or brothers or sisters, one or more, that the father or mother is entitled to receive the whole estate, to the exclusion of such other of his or her kindred aforesaid :

A. D. 1797.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, in all cases in which any person shall die intestate leaving neither wife, child or children, or lineal descendant, but leaving a father or mother, and brothers and sisters, or brother and sister, or brothers or sisters, one or more, that the estate, real and personal, of such intestate, shall be equally divided amongst the father, or if he be dead, the mother, and such brothers and sisters as may be living at the time of the death of such intestate, so that such father or mother, as the case may be, and each brother and sister so left living by the intestate, shall each take an equal share of his estate, real and personal : Provided always, that the issue, if any, of any deceased brother or sister, if more than one, shall take amongst themselves the same share which their father or mother, if living, would have taken ; and if but one such issue, then he or she shall take the share which his or her father or mother would have taken if living.

Division of estates of intestates.

II. *And be it further enacted* by the authority aforesaid, That the sheriff of every district in this State shall, before he exposes any lands or tenements which he may be directed to sell by virtue of any execution or mortgage, publicly advertise the same three weeks immediately previous to the sale day or days on which he means to expose the same for sale ; and the sheriff of every district in the said State shall, before he exposes such personal property, goods or chattels, as he may be directed to sell, publicly advertise the same fifteen days immediately previous to the sale day or sale days on which he means or is directed to expose the same to sale ; and such advertisements shall be in one or more of the gazettes, in cases where the lands or other property which shall be for sale, should the same be in the districts where gazettes are printed, and where there are no gazettes printed, the notice or notices shall be put up at the court house door, and two other public places in the district, one of which shall be in the neighborhood of the said property so to be sold ; any law or laws, usage or customs, to the contrary hereof, in anywise notwithstanding.

Sheriff to advertise

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the American Independence

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT TO ABOLISH THE RIGHT OF TRIAL BY SPECIAL JURY, EXCEPT No. 1665.
BY THE CONSENT OF BOTH PARTIES.

WHEREAS, the regulations for the trial of civil causes by special juries have been abused to the purposes of delay and chicanery, and the administration of justice hath been impeded by these delays, to the great discouragement of credit : for remedy thereof,

Preamble.

I. *Be it enacted*, by the honorable the Senate and House of Representatives
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Trial by special jury, repealed.

representatives, now met and sitting in General Assembly, and by the authority of the same, That the right of trial by special jury be, and the same is hereby, abolished, (except in the case hereinafter mentioned,) and all clauses of Acts respecting the same be, and they are hereby, repealed: Provided nevertheless, that where both parties are desirous of having their cause tried by a special jury, it shall and may be lawful for the judges of the court of common pleas, after the common docket shall have been disposed of, to try by a special jury or juries any cause or causes which the said parties are desirous of having so tried; and that the mode of drawing such special juries, and trying the said causes, shall be the same as is prescribed by an Act entitled "An Act to alter and amend the law respecting juries, and to make some additional regulations to the Acts for establishing and regulating the circuit courts," passed the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1666.

AN ACT TO AUTHORIZE THE TAX COLLECTORS THROUGHOUT THE STATE TO COLLECT ASSESSMENTS FOR THE POOR.

Tax collectors to collect assessments for the poor

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the tax collectors in all counties where county courts are established, shall be, and they are hereby, authorized and required to collect from the inhabitants of their respective counties, all such rates and assessments as have been or may be hereafter laid, rated or assessed for the use of the poor; and they shall be entitled to receive as a compensation for their services the same percentage as they are allowed for collecting the public taxes; and shall have the same powers and authority to enforce the payment thereof, and have a right for that purpose to use the same compulsory means and process, as are authorized by law for collecting the public taxes; and they shall collect and pay such poor tax to the proper officers who are to receive the same, at or before the time now appointed or hereafter to be appointed by law for paying the general tax into the public treasury; and in case of any default, shall be liable to the same pains and penalties as are provided by law for any similar default in collecting and paying the general tax: Provided always, that the said tax collectors shall be furnished with an account of the poor tax which each inhabitant is liable to pay to him, at least one month before the time appointed for making returns of the public tax.

Their powers and compensation

II. *And be it further enacted* by the authority aforesaid, That in all cases where the tax collectors in such parts of this State where county courts are not established, may be willing to undertake the same duty as is prescribed in the foregoing clause, they, and each of them, shall have the same powers and authority and commissions, and be liable, in case of any de-

fault, to the same pains and penalties, as are provided in the preceding clause. A. D. 1797.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Sovereignty and Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT TO AMEND THE SEVERAL ACTS RELATIVE TO THE OFFICE AND No. 1667.
DUTY OF A CORONER; AND FOR SETTLING THE FINES TO BE INFLICTED
ON JURORS WHO SHALL FAIL TO ATTEND AFTER BEING DULY SUM-
MONED.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That when and as soon as any coroner shall be certified of the dead body of any person supposed to have come to a violent and untimely death, found or lying within his county or precinct, he shall make out his warrant, directed to all or any of the constables of the county or precinct where such dead body lies, requiring and commanding them forthwith to summon as many of the freeholders of the county or precinct as shall be necessary to constitute a jury of twelve good and lawful men, to appear before him at such time and place as shall be expressed in his said warrant: And every constable to whom such warrant shall be directed or come, who shall fail to do the duty required of him by such warrant, and make due return thereof, shall forfeit and pay the sum of ten dollars. Also every person or persons summoned and warned to be a juror, and failing to appear accordingly, shall also forfeit and pay the sum of ten dollars; without reasonable excuse for the same, to be made unto, and allowed of by, the coroner and a justice of the peace.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT TO INCREASE THE PRICE OF LICENSE TO HAWKERS AND No. 1668.
PEDDLERS.

WHEREAS, the license imposed by the Legislature of this State on hawkers and peddlers, has by experience been found to be too small: Preamble.

1. *Be it therefore enacted* by the honorable the Senate and house of Representatives, now met and sitting in General Assembly, and by the au-

A. D. 1797.

License of hawk-
ers and ped-
dlers increased.

thority of the same, That from and after the first day of January, one thousand seven hundred and ninety-eight, no hawker or peddler shall be allowed to expose any goods, wares or merchandizes to sale in any part of this State, until he shall have procured a license in his own name from the treasurer thereof, to expose such goods, wares and merchandizes to sale; and the said license shall not be transferred so as to give any agent or deputy the privilege of selling under the said license: And that the said hawker or peddler shall pay for such license, for the support of the government of this State, the sum of two hundred and fifty dollars per annum, to be collected in the same manner as the said license is now liable to be collected by an Act imposing such license on hawkers and peddlers.

Penalty.

II. *And be it further enacted* by the authority aforesaid, That if any hawker or peddler shall presume to expose any goods, wares and merchandize to sale, contrary to the intent and meaning of this Act, he shall, for every such offence, forfeit and pay to the treasurer aforesaid the sum of five hundred dollars, to be collected as aforesaid; one half to the informer, and the other half to the use of the State, to be recovered in any court having competent jurisdiction.

III. *And be it further enacted* by the authority aforesaid, That no two or more peddlers shall be suffered to expose to sale any such goods, wares or merchandize under one and the same license, under the forfeiture, pains and penalties aforesaid.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1669. *AN ACT* TO DISPENSE WITH THE FREQUENT SWEARING OF JURORS IN CIVIL CAUSES.

WHEREAS, the present mode of administering oaths to the jury on every separate trial is highly unnecessary, and not becoming that solemnity with which all oaths ought to be administered:

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act it shall be lawful for the several clerks of the districts courts and of the county courts throughout this State, and they are hereby required, to administer but one oath to each jurymen in the court of common pleas, to try all causes which shall come before him for trial during the sitting of the court.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

A.D. 1797.

AN ACT to declare more explicitly the powers of the City Council of Charleston, as to the sale and re-sale of certain Public Lots on East-Bay-street continued; and for other purposes therein mentioned. No. 1670.

(Passed December 16, 1797. *See last volume.*)

AN ACT TO CEDE TO THE UNITED STATES THE JURISDICTION OVER A CERTAIN TRACT OF LAND, ON NORTH ISLAND, WHEREON A LIGHT HOUSE MAY BE ERECTED. No. 1671.

WHEREAS, the Congress of the United States, on the twenty-first day of February, in the year of our Lord one thousand seven hundred and ninety-five, passed an Act authorizing the erection of a light house near the entrance of Georgetown harbor, in this State; and Paul Trapier, Esq. having made a gratuitous conveyance, in fee simple, to the use of the United States, for the above purpose, of a certain tract of seven acres of land, situated on North Island, butting and bounding to the eastward on the sea, to the west and north by lands belonging to the said Paul Trapier, and to the south by Winyaw bay; and whereas, an Act of the Legislature, passed the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, ceding to the United States the jurisdiction over the said tract of seven acres of land, has been found to contain improper restrictions: Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the jurisdiction over the said tract of seven acres of land, conveyed by the said Paul Trapier, as aforesaid, be, and the same is hereby, ceded to the United States: Provided nevertheless, that nothing contained in this cession shall be construed to exclude or prevent any process, criminal or civil, issuing from any of the courts of this State, from being served or executed within the limits of the said tract of seven acres of land. Jurisdiction.

II. *And be it enacted* by the authority aforesaid, That the Act of the Legislature, passed the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, entitled "An Act to cede to the United States the jurisdiction of a proper place on North Island, whereon a light house may be erected," be, and the same is hereby, repealed. Act of 1796 repealed.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

A. D. 1797.

No. 1672.

AN ACT TO AMEND THE LAW RESPECTING QUARANTINES.

Governor to
enforce quaran-
tine regula-
tions.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That upon all occasions, when the Governor or Commander-in-chief of this State may deem it necessary, he shall have a right, and he is hereby required, at the expense of the State, to hire and employ boats and small craft, and a sufficient number of able men, well armed, to be stationed wherever he may think fit, and to act under his directions, in order to enforce obedience to the laws of this State, requiring the performance of quarantine; and also to arm such men, if requisite, with any fire arms belonging to this State.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1673. AN ACT TO EXEMPT THE CLERK OF THE CITY COUNCIL, AND THE CLERK OF THE COURT OF WARDENS, OF CHARLESTON, AND THE CLERKS OF THE COUNTY COURTS THROUGHOUT THE STATE, FROM SERVING AS JURORS.

Preamble.

WHEREAS, the public business requires that the clerk of the city council, and the clerk of the court of wardens of Charleston, and the clerks of the county courts throughout the State, should uninterruptedly employ their attention and time in executing the duties of their respective offices:

Clerks of the
courts exempt-
ed from serving
on juries.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said officers, and their successors in office, for ever hereafter shall be exempted from serving as jurors, upon all juries whatever; any law, usage or custom to the contrary thereof in any wise notwithstanding.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

A. D. 1797.

No. 1674.

AN ACT TO EXPLAIN AND AMEND THE ACT ENTITLED "*An Act for establishing an easier and cheaper mode of recovering Money secured by Mortgage on Real Estates, and barring the Equity of Redemption; and for abolishing the fictitious proceedings in the action of Ejectment.*"

WHEREAS, under the Act entitled "An Act for establishing an easier and cheaper mode of recovering money secured by mortgage on real estates, and barring the equity of redemption, and for abolishing the fictitious proceedings in the action of ejectment," doubts have arisen whether a mortgagee taking a release of the equity of redemption from his mortgagor, can be considered as legally and fully seized of the premises mortgaged, inasmuch as that Act declares that the premises mortgaged are still to be deemed the estate of the mortgagor, and only a pledge in the hands of the mortgagee, who is not thereby vested with any legal estate, and therefore cannot be benefitted by such a release:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all releases of the equity of redemption, made since the passing of the said Act, or hereafter to be made, shall have the same force and effect in law as if the said Act had not been passed.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT to incorporate the Charleston Insurance Company.

No. 1675.

(Passed December 16, 1797. *See last volume.*)

AN ACT TO ESTABLISH AN INSPECTION OF TOBACCO IN THE TOWN OF COLUMBIA, AND TO ADD TWO COMMISSIONERS FOR THE INSPECTION AT CAMDEN. No. 1676.

WHEREAS, it has been represented to the Legislature, by the inhabitants of the town of Columbia and its vicinity, that it would be very much for the convenience of the inhabitants of the said town, and the planters of the interior country, that an inspection of tobacco should be established in the said town:

Preamble.

I *Be it enacted therefore*, by the honorable the Senate and House of Representatives, in General Assembly now met and sitting, and it is hereby enacted by the authority of the same, That an inspection and warehouse,

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Inspection, &c.
established at
Columbia.

for the inspection and reception of tobacco, shall be established and erected in the said town of Columbia; which shall be subject to all regulations, restrictions and conditions, mentioned, set forth and expressed in and by an Act of the Legislature of this State entitled "An Act for regulating the inspection and exportation of tobacco," passed on the thirtieth day of March, in the year of our Lord one thousand seven hundred and eighty-nine.

Commissioners
appointed.

II. *Be it further enacted* by the authority aforesaid, That Timothy Rives, Alexander Purvis, George Wade, Benjamin Waring and Swanson Lunsford, be, and they are hereby appointed, commissioners to fix upon the most convenient place in the said town for the said inspection and warehouse; and that the said commissioners, or a majority of them, shall have the power to choose an inspector for the said inspection and warehouse, and to make such regulations for carrying into effect this Act as they, or a majority of them, shall deem necessary.

Two additional
commissioners
appointed for
Camden.

III. *Be it further enacted* by the authority aforesaid, That James Kershaw and John Kershaw be, and they are hereby appointed, commissioners, (in addition to those already appointed,) to fix on proper places for tobacco warehouses, on the Wateree river, or in the town of Camden, and to appoint inspectors for the said warehouses.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1677. AN ACT TO REPEAL THE SEVERAL ACTS THEREIN MENTIONED TO ESTABLISH A COMPANY FOR CLEARING AND IMPROVING THE NAVIGATION OF PINE TREE CREEK, AND FOR OPENING A CANAL WITH LOCKS, FROM THE SAME CREEK UP TO OR NEAR THE TOWN OF CAMDEN.

Preamble.

WHEREAS, Thomas Broom, Duncan McRa, Zachariah Cantey, James Kershaw and John Kershaw, in whom the free and exclusive right to the use and navigation of Pine tree creek is now vested by an Act entitled "An Act to vest the exclusive right of navigating Pine tree creek in certain persons therein mentioned," passed the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, have, by their memorial to the Legislature, set forth that they have made some progress in the work of opening the navigation of the said creek, but that from experience and information, they have found the expense of proceeding with and finishing the intended navigation will far exceed their calculations and means; and that upon a more particular examination of the said creek, they have found that the navigation thereof might, by means of a canal and locks, at no very great additional expense, be carried up to or near the town of Camden, and become of much greater utility and advantage to the said town and the public in general; and further stating, that the following persons, that is to say: John Chesnut, John Adamson, James Chestnut, William Lang, Samuel Mathis, William Langley, Benja

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min Carter, Richard Lloyd Champion, John M'Caa, Daniel Brown, Dan Carpenter, Burrel Boykin, Joseph Brevard, James English and Jonathan Belton, being willing to promote so useful an undertaking, have agreed to be associated with the aforesaid in the said undertaking, provided they can be admitted upon equal and safe terms: And whereas, the several persons last above mentioned have also subscribed and agreed to the aforesaid memorial, and pray to be incorporated together with the said Thomas Broom, James Kershaw, John Kershaw, Duncan M'Ra and Zachariah Cantey: And whereas, the memorial aforesaid prays that the above mentioned Act, vesting the exclusive navigation aforesaid, may be repealed, and that the memorialists and their associates aforesaid may be incorporated and vested with such privileges and powers as are necessary and proper to enable them to effectuate the useful purposes of this Act: And whereas, undertakings of this nature tend to the encouragement of industry and are greatly beneficial to the public:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act for opening the navigation of Pine tree creek, from the mouth of the said creek to the forks thereof, near Camden," passed the seventeenth day of December, in the year of our Lord one thousand seven hundred and ninety-four; and also the aforesaid Act entitled "An Act to vest the exclusive right of navigating Pine tree creek in certain persons therein mentioned," passed the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, be, and the same Acts are hereby, repealed.

Certain former
Acts repealed.

II. *And be it further enacted* by the authority aforesaid, That the free and exclusive right to the use and navigation of Pine tree creek, be, and the same is hereby, vested in the aforesaid Thomas Broom, Duncan M'Ra, Zachariah Cantey, James Kershaw, John Kershaw, John Chesnut, John Adamson, James Chesnut, William Lang, Samuel Mathis, William Langley, Benjamin Carter, Richard Lloyd Champion, John M'Caa, Daniel Brown, Dan Carpenter, Burrel Boykin, Joseph Brevard, James English and Jonathan Belton, or in whomsoever may hereafter in their right hold or possess the same, on the condition of their opening and keeping navigable the creek aforesaid, and improving the same with a canal and locks, at their sole expense. And it shall not be lawful for any person or persons to use or navigate the said creek or canal without paying the toll established by this Act. And the said persons in this clause above mentioned shall and may cause the said creek to be made navigable, and may open and continue the navigation thereof, from the mouth thereof as high up as the forks thereof, by means of canals, dams, locks, and clearing the obstructions in the said creek, or in such other manner as to them shall seem most fit and convenient: Provided that no injury be done thereby to the mills that are erected below the said forks

Certain persons
shall have the
exclusive right
to open the
creek.

III. *And be it further enacted* by the authority aforesaid, That the said persons whose names are above mentioned, and such others as they shall admit into the said company, shall be, and they are hereby, incorporated, by the name and style of The Pine Tree Creek Navigation Company; and by that name and style shall and may sue and be sued, implead and be impleaded, in any court within this State; and that they may elect and appoint all necessary officers, and from time to time make such rules, regulations and by-laws as they shall think proper. Provided the same shall not be repugnant to or inconsistent with any law of the State.

Company in-
corporated.

IV. *And be it further enacted* by the authority aforesaid, That the said company shall and may cause an inland navigation, by a canal and locks,

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Inland navigation.

to be made and kept up, through such places as to them shall seem most fit and convenient, from the said creek up to or near the town of Camden: Provided the said company can agree with the owners of the land through which the said canal is to be opened, for that purpose; and that they and their successors for ever, shall and may fix and establish, and be entitled to take and receive, by way of toll, for all goods and merchandize carried on or through the said creek and canal, such sum or rates as the said company shall think proper to impose, not exceeding at any time twenty-five per centum per annum on the money which they shall have expended in clearing, making and keeping in repair the navigation of the said creek, canal and locks; to ascertain which the books of the said company, together with the books of the former company, shall always be liable to the inspection of the Legislature. And that the said company, or their agents, may stop any goods, vessels, boats or rafts, from passing on the said creek and canal until payment of the said toll.

May purchase lands.

V. *And be it further enacted* by the authority aforesaid, That the said company shall have power to purchase for themselves and their successors, for ever, such land as may be necessary for the purpose aforesaid, and as much land at each end of the said canal as they may deem necessary, not exceeding two acres.

Shall keep the works in repair.

VI. *And be it further enacted* by the authority aforesaid, That the said company shall be obliged to keep the said creek, canal and locks, at all times in good and sufficient order, condition and repair, on pain of being answerable for any damages occasioned by their wilful default or neglect.

Shares exempted from tax.

VII. *And be it further enacted* by the authority aforesaid, That the shares in the said company shall be exempted from any rate, tax, duty, assessment or imposition whatsoever, for the term of twenty-one years; and that the said shares may be sold, transferred, assigned or bequeathed by the proprietors respectively; and in case of their dying intestate, shall go according to the Act of distribution, as personal estate.

Penalty for obstructing the navigation.

VIII. *And be it further enacted* by the authority aforesaid, That if any person shall wilfully or maliciously cut, break down, damage or destroy any bank, or other work to be erected or made for the purpose of the said navigation, or shall throw dirt, trees, logs, or other rubbish, into the said canal, so as to injure the same, such person shall be answerable to the said company for tenfold the damages occasioned thereby, to be recovered before a justice of the peace, or any court having jurisdiction, as the case may be; and in case of his or her inability to pay the same, he or she shall be imprisoned for three months.

May purchase negroes, &c.

IX. *And be it further enacted* by the authority aforesaid, That the said company and their successors, from time to time, for ever, shall be capable of purchasing, acquiring, holding and possessing, and of selling and disposing of, any negroes, or other goods and chattels, as well as of any lands or real estates: Provided the same do not exceed three thousand dollars.

Persons sued, how to plead.

X. *And be it further enacted* by the authority aforesaid, That if any person shall be sued for any matter or thing done in pursuance of this Act, he may plead the general issue, and give this Act and the special matter in evidence; and on a verdict against the plaintiff, non-suit or discontinuance, recover double costs.

XI. *And be it further enacted* by the authority aforesaid, That this Act

shall be deemed and taken to be a public Act, and judicially taken notice of as such without special pleading. A. D. 1797.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT to establish the Roads and Ferries therein mentioned; and No. 1678.
for appointing Commissioners of the Streets and Markets in the
Town of Columbia.

(Passed December 16, 1797. *See last volume.*)

AN ACT TO EMPOWER THE COMMISSIONERS FOR ERECTING A FORT AND No. 1679.
PEST HOUSE ON THE ISLAND OF PORT REPUBLIC, TO FIX THE SAME
ON A SMALL ISLAND AT THE ENTRANCE OF PORT REPUBLIC HARBOUR
OR INLET, AND TO MAKE COMPENSATION TO THE PROPRIETORS THERE-
OF.

WHEREAS, John Barnwell, William Hazard Wigg and John Jenkins, formerly appointed commissioners to erect a fort and pest-house for the defence and security of Port Republic harbour, have found considerable difficulty in procuring a suitable and convenient place for the erection of the said works and buildings, the public not having a property in any lands convenient for the said purposes: And whereas, the public convenience and safety requires that situations at the mouth or entrance of said inlet or harbour, should be appropriated for the purposes aforesaid:


Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the commissioners before mentioned shall be, and they are hereby, empowered and directed to fix the said works and buildings on a small island, containing about two acres of land, situated at the entrance of Port Republic inlet or harbour, called Moss Island, together with a small island or spit of land, contiguous thereto, and forming the south-western point of Jenkins's or Eding's Island.

Commissioners
appointed to fix
the works.

II. *And be it further enacted* by the authority aforesaid, That if any difficulty shall arise in assessing the value of the land appropriated by this Act, that then the commissioners above mentioned on the one part, and the proprietor or proprietors of the land on the other part, shall appoint severally two appraisers, (who in case of disagreement may appoint a fifth,) who, or a majority of whom, shall, upon oath, value and appraise the land at a reasonable price; and when the value of the said land shall be ascer-

The land to be
appraised.

A.D. 1797.  tained by the appraisers as above mentioned, the amount thereof shall be paid out of the treasury of this State.

III. *And be it further enacted* by the authority aforesaid, That in case the proprietors of the land shall refuse to appoint two appraisers as aforesaid, the commissioners shall appoint four, who in case of disagreement shall in like manner have power to call in a fifth, who shall have like powers for appraising the land as aforesaid.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1680. AN ACT to ascertain what damages Robert Lindsay, William Turpin, and the Estate of James Sommers, deceased, have sustained by East-Bay-street being continued through their Lands.

(Passed December 16, 1797. *See last volume.*)

No. 1681. AN ACT to VEST IN THE INTENDANT AND WARDENS OF THE TOWN OF CAMDEN FOR THE TIME BEING RESPECTIVELY, WITHIN THE SAID TOWN OF CAMDEN, THE SAME POWERS AND AUTHORITIES WHICH NOW ARE AND SHALL BE HEREAFTER VESTED IN THE JUSTICES OF THE PEACE OF THIS STATE.

Preamble. WHEREAS, it would be convenient and useful to vest in the intendant and wardens of the town of Camden for the time being respectively, within the said town of Camden, all the powers and authorities usually exercised by justices of the peace of this State :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the intendant and wardens of the town of Camden for the time being respectively, be, and the said intendant and wardens of the town of Camden, for the time being respectively, are hereby declared to be, justices of the peace, to all intents and purposes, within the said town; and may lawfully exercise the same powers and authorities, within the said town, which justices of the peace of and for any county within this State shall and may lawfully exercise within such county, and be subject to the same penalties and restrictions to which justices of the peace of this State are and shall be subject and liable to; any law or custom to the contrary notwithstanding.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

A. D. 1797.

No. 1682.

AN ACT FOR APPOINTING COMMISSIONERS TO RUN THE DIVIDING LINE BETWEEN THE PARISH OF ST. MATTHEW AND THE ELECTION DISTRICT OF SAXE-GOTHA; FOR ESTABLISHING THE DIVIDING LINES BETWEEN CHESTER AND FAIRFIELD, FAIRFIELD AND RICHLAND, AND YORK AND CHESTER COUNTIES; ALSO APPOINTING COMMISSIONERS FOR SURVEYING, LAYING OUT, AND ASCERTAINING, BY METES AND BOUNDS, THE BOUNDARIES OF THE TOWN OF CAMDEN.

WHEREAS, the dividing line between the parish of St. Matthew and the election district of Saxe-Gotha, has never been ascertained and marked out; by reason of which the managers of elections are frequently at a loss whose votes to admit and receive;

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Peter Oliver, William Heatly and Hugh Alexander Nixon, be, and are appointed, commissioners, and they, or a majority of them, are hereby invested with full powers to run, mark out and blaze the same, agreeably to the Act of Assembly passed the twelfth day of April, in the year of our Lord one thousand seven hundred and sixty-eight, entitled "An Act for establishing a parish in Berkly county, by the name of St. Matthew's, and for declaring the roads therein mentioned to be a public road;" in which said Act the parish line is designated.

Parish line of
St. Matthew's
to be marked
out.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners shall proceed in running the said line, on or before the first day of September next, and that they employ a surveyor for the purpose aforesaid, upon the most reasonable terms they can, to be paid by the State; and that the said surveyor record in the office of the surveyor general, a plat of the said line, and deposit the original in the secretary's office at Columbia.

Surveyor to be
employed.

III. *And be it further enacted* by the authority aforesaid, That the line run and marked, from the mouth of Sandy river, on Broad river, to the mouth of Rockey creek, on the Catawba, by the commissioners and surveyors appointed by a resolution of the Legislature, passed the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, to run and mark the same, be, and the same is hereby declared, the dividing line between the counties of Chester and Fairfield.

Dividing line
between Ches-
ter and Fair-
field.

IV. Whereas, sundry inhabitants residing on and near the borders of Fairfield and Richland counties, have, by their petition to the Legislature of this State, alledged, that a line, which some years ago was run as the division line between the said counties, has heretofore been held and considered as the division line between the said counties, notwithstanding a different line is described by the Act passed in the year of our Lord one thousand seven hundred and eighty-five, for establishing the limits of the different counties of the said State; and whereas, the said line, so described as aforesaid, in the Act aforesaid, hath never been run out, and the inhabitants who will be affected thereby have prayed that the old line should be established as the division line between the said counties: *Be it therefore enacted*, by the honorable the Senate and House of Representatives of the said State, and by the authority of the same, That the marked line, beginning on the bank of Little river, about half a mile above the plantation of Mr.

Fairfield and
Richland.

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Shaver, and running from thence a direct course to the Round Top, near Dohertie's mill, shall be, and the same is hereby established as, the division line between the counties of Fairfield and Richland; and the said Little river, from the place where the said line strikes it, down to the mouth of it, shall be, and the same is hereby established as, the division line between the said counties, from the place aforesaid to Broad river.

The town of Camden to be laid out.

V. And whereas, the limits of the town of Camden have never been properly defined or fixed; *Be it therefore enacted* by the authority aforesaid, That William Lang, James Kershaw, John Kershaw, James Chesnut and Samuel Mathis, be, and they are hereby appointed, commissioners for the purpose of surveying and laying out, at the expense of the said town, and ascertaining, by metes and bounds, the boundaries of the town of Camden, according to a plan thereof laid out by the late Col. Joseph Kershaw, deceased, commonly called the extended plan of Camden; and that the aforesaid commissioners do report an accurate plan of the boundaries of the said town, to be laid before the next Legislature, to the end that the same may be established by the law.

Line between the counties of Chester and York.

VI. *And be it further enacted* by the authority aforesaid, That the line run and marked by the commissioners, beginning on a hickory tree, on the southwest side of Catawba river, about ten chains above the mouth of Ferrall's creek, and nearly south eighty-eight west, by an old line, called and known by the name of the line of the new acquisition, to an ash and black gum, on the bank of Broad river, on Robert Elliott's lands, run agreeably to a resolution of the Legislature, passed on the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety six, be, and the same is hereby declared to be, the dividing line between Chester and York counties.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1683. AN ACT to establish and incorporate a College in Pinckney District.

(Passed December 20, 1796. See last volume)

No. 1684. AN ACT TO AUTHORIZE THE COMMISSIONERS OF COLUMBIA TO CONVEY TWO SQUARES OF LAND TO THE AGRICULTURAL SOCIETY OF SOUTH CAROLINA.

Grant to the Agricultural Society.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and it is hereby enacted by the authority of the same, That the commissioners of Columbia be, and they are hereby, authorized and directed, immediately after the pass-

ing of this Act, to convey two squares of land, in the town of Columbia, to the Agricultural Society of this State, for the use of the said Society, agreeably to a resolution, passed on the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six. A. D. 1797.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT TO APPOINT TWO COMMISSIONERS, IN ADDITION TO THOSE No. 1685.
ALREADY APPOINTED, TO ERECT A MAGAZINE AND LABORATORY IN
OR NEAR GEORGETOWN.

WHEREAS, it is expedient to appoint two commissioners, in addition to those appointed by an Act of the Legislature, passed the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-five, for the purpose of erecting a magazine and laboratory at Georgetown : Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Major Samuel Wragg and Captain Benjamin Trapier, be, and are hereby appointed, commissioners, in addition to the Additional commissioners appointed.
commissioners appointed by the said Act of the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-five, and vested with all the powers given to the commissioners appointed by the said Act.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT TO IMPROVE AND PRESERVE THE NAVIGATION OF LYNCH'S No. 1686.
CREEK.

WHEREAS, it has been represented to the Legislature that the mill dam across Lynch's creek, at Effingham saw-mills, is a material obstruction to the navigation of the said creek, and prevents the free passage of boats and rafts up and down the same ; and there is no sufficient slope or opening, to admit boats or rafts to pass up and down the said creek ; to the great Preamble.

A. D. 1797.

grievance of a considerable number of the good citizens of this State : For remedy whereof,

Obstructions
to be removed
from Lynch's
Creek.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the owner or owners of the aforesaid saw-mills shall, within the space of eighteen months, from and after the passing of this Act, make and erect one or more sufficient lock or locks, in, about or upon the said dam, twenty-two feet in width, so that boats and rafts may freely, at all times, pass and repass, up or down the said creek, free of cost; and in default thereof, any justice of the peace, to whom application shall be made, may summon five freeholders to determine thereon, whether the said lock or locks are sufficient; and also to determine, in case of default, whether the reduction of the said dam is necessary or not.

Penalty.

II. *And be it further enacted* by the authority aforesaid, That from and after the expiration of eighteen months from the passing of this Act, the owner or owners of the said mills shall forfeit to the owner or owners of any boat or raft that shall be detained or obstructed in passing up or down the said stream, two dollars for every hour's detention or obstruction, to be recovered by any person who will inform and sue for the same; the one half to the informer, and the other half to the person injured.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1687. AN ACT TO AUTHORIZE THE TREASURER IN CHARLESTON TO ISSUE TO JAMES SINKLER CERTAIN CERTIFICATES OF HIS FUNDED STOCK.

Preamble.

WHEREAS, James Sinkler has presented a petition to the Legislature, setting forth that his habitation in Saint Stephen's parish was lately consumed by fire, and that therein were destroyed certain certificates of his funded stock, of the following description, that is to say: one numbered 149, (one hundred and forty-nine,) for fourteen hundred and thirty-eight dollars and sixty cents, of six per cent. stock; one thousand and nineteen dollars and fifty-eight cents, of three per cent. stock; and seven hundred and nineteen dollars and thirty cents, of deferred stock: one numbered 150, (one hundred and fifty,) for fourteen hundred and thirty-eight dollars and sixty cents, of six per cent. stock; one thousand and nineteen dollars and fifty-eight cents, of three per cent. stock; and seven hundred and nineteen dollars and thirty cents, of deferred stock: one numbered 151, (one hundred and fifty-one,) for fourteen hundred and thirty-eight dollars and sixty cents, of six per cent. stock; one thousand and nineteen dollars and fifty-eight cents, of three per cent. stock; and seven hundred and nineteen dollars and thirty cents, of deferred stock: one numbered 152, (one hundred and fifty-two,) for fourteen hundred and thirty-eight dollars and sixty cents, of six per cent. stock; one thousand and nineteen dollars and fifty-eight cents, of three per cent. stock; and seven hundred and nineteen dollars and thirty cents, of deferred stock: one numbered

153, (one hundred and fifty-three,) for fourteen hundred and thirty-eight dollars and sixty cents, of six per cent. stock ; one thousand and nineteen dollars and fifty-eight cents, of three per cent. stock ; and seven hundred and nineteen dollars and thirty cents, of deferred stock ; and one numbered 154, (one hundred and fifty-four,) for fourteen hundred and thirty-eight dollars and sixty-four cents, of six per cent. stock ; one thousand and nineteen dollars and fifty-eight cents, of three per cent. stock ; and seven hundred and nineteen dollars and thirty-eight cents, of deferred stock ; and praying that new certificates for the same amount should be issued to him :

A. D. 1797.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the treasurer in Charleston shall, and he is hereby authorized and required to, issue to the said James Sinkler, his executors, administrators or assigns, certificates of the description above set forth, signifying on the face of them that they are given in lieu of certificates of the same denominations, which were alleged to be consumed by fire : Provided, that before the said treasurer shall issue such certificates, the said James Sinkler, his executors or administrators or assigns, shall give a bond with sufficient security, in double the amount of the said certificates, to save harmless and indemnify the State against the said certificates, formerly issued and alledged to be consumed by fire.

Treasurer in
Charleston to
issue certi-
ficates to James
Sinkler, &c.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT FOR OPENING THE NAVIGATION OF THE LOWER THREE RUNS, No. 1688.
FROM JOSEPH HARLEY'S BRIDGE TO ROCKEY POINT MILLS ; AND FOR
APPOINTING COMMISSIONERS TO CLEAR OUT AND KEEP NAVIGABLE THE
RIVER OF WACCAMAW, FROM THE NORTH CAROLINA LINE DOWN TO
THE MOUTH OF BULL CREEK.

WHEREAS, great inconveniency is felt by the inhabitants of Winton county, who live on and contiguous to the Lower Three Runs, in the district of Orangeburgh, near Savannah river, by reason of the navigation of the said Three Runs being so obstructed as to prevent their carrying their lumber and produce down the said Three Runs to the said river :

Preamble.

I. *Be it therefore enacted*, by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That Daniel Bourdeaux, Robert Bradley, Joseph Harley, senior, Thomas Enox and Richard Wintz, be, and hereby are appointed, commissioners for the purpose of clearing out the said Lower Three Runs, and opening and continuing the navigation of the same from Mr. Joseph Harley's bridge to the mills on Rockey point, lately owned by Messieurs M'Elrath and Bourdeaux ; and that all male inhabitants from sixteen years old to fifty, living

Commissioners
appointed to
clear out Lower
Three Runs.

A. D. 1797.

within two and a half miles of said Three Runs, shall be liable to work on the same, not exceeding twelve days in each year.

Commissioners
vested with
power to col-
lect fines.

II. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid shall have, and they are hereby vested with, the same power and authority in assessing and collecting fines for neglect of duty on the inhabitants made liable as aforesaid, which are now vested in and exercised by the commissioners of the high roads.

Commissioners
appointed to
clear out Wac-
cumaw river.

III. *And be it further enacted* by the authority aforesaid, That the following persons be, and they are hereby appointed, commissioners to clear out and keep navigable the river of Waccamaw, from the North-Carolina line down to the mouth of Bull creek, viz: John Bellame, John Frink and Charles Fullwood, from the North Carolina line down to the house of Joseph Deuitts; Thomas Livingston, Henry Durant and Alexander Wilson, from the house of Joseph Deuitts down to Joseph Cox's ferry; and Aaron Harwick, William Slone and John Green, Junior, from Joseph Cox's ferry down to the mouth of Bull creek. And all the male inhabitants, excepting those below Bull creek, within six miles of said river, and between the ages of sixteen and fifty years, shall be liable to work thereon, not exceeding six days each year. And the said commissioners are hereby vested with all powers and authority that other commissioners are in similar cases; and shall be liable, if they fail to carry this Act into execution within eight months after passing the same, to pay a fine of twenty dollars each, for their neglect or refusal to act.

IV. *And be it further enacted* by the authority aforesaid, That no person liable to work on the above mentioned river, shall be liable to work on any other river; any law to the contrary notwithstanding.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

No. 1689. AN ACT to permit John Butler to bring certain Negroes into this State from the State of North Carolina; and to relieve John James from the pains and penalties of an Act prohibiting the importation or bringing into this State Negro Slaves, as far as the same may respect three Negroes bought and sent into this State by him.

(Passed December 16, 1797. See last volume.)

No. 1690.

AN ACT FOR OPENING THE NAVIGATION OF SALUDA RIVER.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Godfrey Drehr, Thomas Willoughby Waters,

Oswell Eve, James Caldwell, William Caldwell and William Anderson, be, and they are hereby appointed, commissioners for the purpose of clearing out and making navigable Saluda river, as far up as the island ford : That Benjamin Mitchell, Samuel Rosamond, James Creswell, John Watts, David Anderson, Reuben Nash and Robert Pollard, be, and they are hereby appointed, commissioners for clearing out and making navigable the said river, as far as the Old Indian Boundary Line ; and that William Holbert, William Nicholson, Robert Easeley, Benjamin Arnold, William Thurston and Elias Earle, be, and they are hereby appointed, commissioners for clearing out and making navigable the said river, as far up as M'-Elhany's ford.

A. D. 1797.

Commissioners
named to clear
Saluda river.

II. *And be it enacted* by the authority aforesaid, That the said commissioners shall have power to make navigable the said river, by means of dams, locks, canals, or such other means as they may find necessary ; and that they be empowered to open and keep open such roads as they may deem necessary to the said navigation.

May make
locks, and open
new roads.

III. *And be it further enacted* by the authority aforesaid, That after the opening of the said navigation, the said commissioners shall keep the same in good and sufficient repair, order and condition ; and that if any person shall wilfully and maliciously break down, damage or destroy any bank or other work, erecting or to be erected for the purpose of the said navigation, or throw into the said river any dirt, trees, rubbish or other matter, to obstruct or injure the said navigation, he shall forfeit to the said commissioners ten times the amount of the injury done.

Navigation not
to be obstruct-
ed.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners shall have power to raise subscriptions or establish a lottery, the profits of which shall be appropriated for the purpose of more effectually carrying into effect this Act, the amount of which shall not exceed ten thousand dollars.

May raise money by sub-
scription or
lottery.

V. *And be it further enacted* by the authority aforesaid, That all male inhabitants liable to work on public roads, living within eight miles on each side of the said river, shall be bound and liable to work thereon whenever they shall be called out for that purpose, for any time not exceeding six days in each year ; and that the said commissioners shall have and exercise all the powers, privileges and authorities for carrying into effect this clause, as are vested in the commissioners of the roads ; and that the said inhabitants shall be liable to the same pains and penalties upon failing or neglecting to work upon the said river, as they would be upon failing or neglecting to work upon the public roads : and that the same pains and penalties shall be recovered in the same manner as if they had been incurred for failing or neglecting to work on the public roads : Provided always, that the same commissioners shall give six days previous notice of the time that such persons so liable shall attend.

Those residing
within three
miles on each
side, liable to
work.

VI. *And be it further enacted* by the authority aforesaid, That the said river shall be free to be navigated by all and every person or persons whomsoever, who shall wish to navigate the same.

Free naviga-
tion.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

A. D. 1797

No. 1691. AN ACT to incorporate the Spartanburgh Philanthropic Society.
(Passed December 16, 1797. See last volume.)

No. 1692. AN ACT TO RAISE SUPPLIES AND TO MAKE APPROPRIATIONS FOR THE
YEAR ONE THOUSAND SEVEN HUNDRED AND NINETY-SEVEN.

I. *Be it enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State for the use and service thereof.

Rate of taxation
on lands.

II. *And be it further enacted* by the authority aforesaid, That the half of one dollar per centum ad valorem shall be paid in specie or paper medium on all lands granted within the State, under the several regulations hereinafter expressed, that is to say: Class No. 1 shall contain all tide swamp of the first quality not generally affected by the salts or freshes, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by the salts or freshes, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshes, which shall be rated at eight dollars and one half per acre; all pine barren land adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight dollars and one half per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; pine barren land, adjoining or contiguous thereto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill on Savannah river, the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on the Pedee; the first quality of which shall be rated at thirteen dollars per acre; the second quality at eight dollars and an half per acre; and the third quality at four dollars per acre; excepting such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamp and low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands on the Sea island, (Stump's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of

cultivation, in corn or indigo, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, or the new boundary line on Pedee, and not included in the limits or description of the two next preceding classes, numbers four and five, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one dollar and the half of a dollar per acre; the second quality, at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality, at sixty cents per acre; and the third quality, at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip and St. Michael, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

A.D. 1797.

III. *And be it further enacted* by the authority aforesaid, That seventy-five cents per head shall be levied on all slaves; the sum of two dollars per head on all free negroes, mulattoes, and mestizoes, between the ages of sixteen and fifty years; and the half of a dollar per centum ad valorem on all lands, lots and buildings within any city, village, or borough; and on all stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and merchants, excepted)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium or specie.

Rate of taxing slaves, &c.

IV. *And be it further enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property or estate of any religious society, or of the South Carolina Society, or the Winyaw Indigo Society, or the Fellowship Society, or of the estate of the late Doctor de la Howe, devised for charitable purposes.

Slaves employed on Indian lands.

Exceptions.

V. *And be it further enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any young man sent abroad for his education, until he attain the age of twenty-three years; or to the property of any person now absent from the United States, unless such person has been absent for one year.

Absentees double taxed.

VI. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors appointed by law shall do and perform all and singular the duties of their offices, according to the Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein;" and that on closing their accounts with the treasury, and not before, they shall receive five per cent. on the amount collected, excepting the collectors of St. Philip and St.

Compensation of enquirers, assessors, &c.

A. D. 1797.

Returns of
former taxes
to be made.

Michael's parishes, who shall receive in like manner two and a half per cent.

VII. *And be it further enacted* by the authority aforesaid, That the assessors, enquirers, and collectors respectively, shall begin their enquiry on the first day of February next; and that where all the collectors who were appointed for any parish or county are dead, and the tax returns not closed with the commissioners of the treasury, the collector who shall thereafter be appointed is hereby directed and ordered to demand receipts or to administer an oath, or to procure other satisfactory proof from the inhabitants of the county or parish, in order to ascertain whose taxes might be still due, and to enable the public to discern what sums of money might be due by the deceased tax collectors; and if the executors or administrators of any deceased tax collector neglect or refuse to produce the accounts of the deceased, or give all the information in their power on the subject, the treasurers are hereby ordered to proceed according to law against the estates of the deceased tax collectors.

Time of pay-
ment of taxes.

VIII. *And be it further enacted* by the authority aforesaid, That all persons in any wise liable to pay the taxes hereby imposed, shall, on the first day of February next, give in a true and just return of all slaves and of the quality and quantity of all lands, as directed or required by this Act, which they may hold or be intitled unto, either in his, her or their own right, or in the right of any person or persons whomsoever, either as guardian, trustee, attorney, agent, or executor or administrator, or otherwise howsoever, and shall, on or before the first day of April next, pay in their taxes to the collector of that parish, county or district where the party making such return, either by himself or his or her family, may reside the greater part of the year. And that the said assessors and collectors shall pay the same, and settle their accounts with the treasury, on the first day of June next.

Appropriation.

IX. *And be it further enacted* by the authority aforesaid, That all the interest of the paper medium which shall be due on or before the first Wednesday in March next, shall be, and is hereby, appropriated to make up any deficiency of money that may happen under this Act.

What shall be
received for
taxes.

X. *And be it further enacted* by the authority aforesaid, That the tax collector throughout the State shall receive no payment of taxes but in gold and silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance with gold and silver at the bank of the United States, the branch thereof in Charleston, or the bank of South Carolina, or certificates for the pay of the members of the Legislature, or of the Solicitors, for their attendance on the Legislature.

Land owned by
persons out of
the State.

XI. *And whereas*, enormous tracts of land within this State, have lately been sold in the Northern States and in foreign countries, and the owners thereof are supposed at present to pay no tax whatever; *Be it therefore enacted* by the authority aforesaid, That it shall be the duty of, and it is hereby enjoined on, all tax collectors to enquire for all such land, collect the tax and arrears of tax thereon; and if the taxes thereon, and the arrears of taxes thereon, shall not be fully paid at or before the time hereinbefore appointed for the payment of the general tax, then the tax collectors shall forthwith proceed to sell the same, agreeably to the mode prescribed by law for selling the property of those who make default in paying their taxes.

Treasurers to
furnish copies
of this Act.

XII. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, directed to furnish copies of this Act to each of the collectors appointed by law, throughout the State, within one month after passing this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

XIII. *And be it further enacted* by the authority aforesaid, That the instalment of the paper medium which will be due on the first Wednesday in March next, shall not be required to be paid as directed by the Act entitled "An Act for raising supplies for the year of our Lord one thousand seven hundred and ninety-three," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and three: Provided always nevertheless, that no person shall be entitled to the benefit of this clause who shall not give an additional security, if required by the treasurer of Charleston, in all cases when he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which shall be made in paying the interest to grow due in March next.

A. D. 1797.

The paper medium, when to be paid.

XIV. Whereas, it is expedient under the existing circumstances and relative situation of the United States with foreign powers, that the military establishment of this State should be placed upon the footing best adapted to meet and repel any attack which may be made upon the country; *Be it further enacted* by the authority aforesaid, That the Governor of the State for the time being shall be, and he is hereby, authorized and required to purchase or cause to be purchased for and on behalf of the State four thousand musquets of the calibre fixed by the law of Congress, with bayonets and proper accoutrements: for the payment of which the sum of forty thousand dollars is hereby appropriated; also twenty thousand pounds of gunpowder, for which the sum of twelve thousand dollars is hereby appropriated; also eighty thousand pounds of lead, for which the sum of four thousand five hundred dollars is hereby appropriated; which arms shall be deposited at the arsenals of Charleston, Abbeville and Camden.

Munitions of war to be purchased.

XV. *And be it further enacted* by the authority aforesaid, That the sums to be raised and collected under and by virtue of this Act shall be, and are hereby, appropriated to the following purposes, to wit: a sum not exceeding sixty-three thousand four hundred and fifty-seven dollars, to the payment of the civil list as estimated in the statement No. 1 hereunto annexed; a sum not exceeding twenty-one thousand three hundred and forty dollars twenty-one cents, to the payment of the contingent accounts and extraordinary as estimated in the statement No. 2. And the surplus which shall or may remain in the treasury after satisfying the aforesaid appropriations shall and may be applied by the treasurers as is or may be directed by law.

Appropriation.

ESTIMATE

Of supplies wanted for the support of Government, for the year one thousand seven hundred and ninety-seven, and to discharge demands incurred in the year one thousand seven hundred and ninety-seven.

SALARIES, AS SETTLED BY LAW.

For the Governor,	-	-	-	-	-	\$2,572 00
For the Secretary to the Governor,	-	-	-	-	-	430 00
For four Judges of the Superior Courts of Law,	\$2,572 each,	-	-	-	-	10,288 00
For Judge of the Court of Equity,	\$2,144,	-	-	-	-	2,144 00
For the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, in addition to his other duties,	-	-	-	-	-	860 00
For the three Circuit Solicitors,	\$430 each,	-	-	-	-	1,290 00
For the Treasurer in Charleston, for salary as Treasurer, and for transacting the business of the Loan Office, and Clerk,	-	-	-	-	-	2,658 00
For the Treasurer in Columbia, for his salary,	-	-	-	-	-	1,290 00

A. D. 1797.	For the Clerk of the Senate, and the Clerk of the House of Representatives,	
	\$1230 each, - - - - -	\$2,460 00
	For the Clerk of the Treasurer in Columbia, - - - - -	400 00
	For two Messengers, \$216 each, - - - - -	432 00
	For two doorkeepers, each \$216, - - - - -	432 00
	For the keeper of the State House, &c at Columbia, which shall be his fixed salary, - - - - -	130 00
	For the Arsenal keeper and Powder receiver in Charleston, - - - - -	216 00
	Ditto ditto at Abbeville Court House, - - - - -	86 00
	For the Transient poor, - - - - -	1,280 00
	For the State Printer's salary, - - - - -	686 00
	For the contingent fund, subject to the Governor's draft, - - - - -	4,300 00
	For the expenses of the members for the present session, - - - - -	7,000 00
	For the Pilot for the bar and harbor of Georgetown, - - - - -	322 00
	For the Port Physician, - - - - -	600 00
	For nine Brigade Inspectors, each \$216, - - - - -	1,944 00
	For the Clerk of the Court of Columbia, - - - - -	140 00
	For the Adjutant General, - - - - -	1000 00
	For the Rev. Mr. Dunlap, for preaching before the Legislature, - - - - -	90 00
	For commissions on receiving taxes, - - - - -	8,500 00
	For Annuities, - - - - -	7307 00
	For the Treasurer of Charleston for performing the duties of the commissioners of public accounts, to be transferred to him, for which purpose he is herewith invested with all the powers, and enjoined to perform all the duties, heretofore directed by law respecting the commissioners of public accounts, - - - - -	700 00

EXTRAORDINARIES AND CONTINGENT ACCOUNTS.

For Printer's bills, for extraordinaries, - - - - -	1000 00
For the Magazine Guard on Charleston Neck—for the establishment and maintenance of a Guard to consist of one commissioned and two non-commissioned officers and twelve privates, - - - - -	3000 00
For Malachi Ford, for a negro murdered, - - - - -	220 00
For contingent accounts of the lower division of the Treasury, payable by the Treasurer in Charleston, - - - - -	6300 00
For contingent accounts of the upper division of the Treasury, payable by the Treasurer in Columbia, - - - - -	7600 00
For the Gaol in Charleston, - - - - -	1300 00
For Robert Gamble by a joint resolution, - - - - -	122 00
For John Hamilton by a joint resolution, - - - - -	706 00
For Wm. C. Pinckney by a joint resolution, - - - - -	122 44
For James Morrison by a joint resolution, - - - - -	122 44
For Daniel Towls by a joint resolution, - - - - -	6 33

XVI. *And be it further enacted* by the authority aforesaid, That the treasurers shall not hereafter draw any order or check, or make any draft on any of the tax collectors in this State, in favor of any person having any claim or demand on the treasury of this State; nor shall the treasurer make payment to any person having any claim on the State, even though allowed by law and provided for by the Legislature, but at the treasury in Charleston or at the treasury in Columbia, and no tax collector shall receive or take in payment of taxes due by any person any order, draft or check of either of the treasurers.

XVII. *And be it further enacted* by the authority aforesaid, That the treasurers in Charleston and Columbia shall procure to be printed so many blank tax returns adapted to the nature of the taxes which the Legislature shall from time to time impose, as will be necessary under this Act; and the said treasurers shall furnish each tax collector in their

division respectively, with so many of the said blanks as will enable him to perform the duties required under this Act. And each and every tax collector shall, and he is hereby authorized and required to, demand and take from each and every person making a tax return, two copies of such return signed and sworn to as the law directs, to be made out on the said blanks.

A. D. 1798.

XVIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of each and every tax collector throughout this State, to make out a duplicate of the general return which he is by law directed to make to the treasurer, and to inclose the same, together with the duplicate of the tax returns by this Act directed to be taken from the individuals of their respective counties and parishes, in a packet directed to the Speaker of the House of Representatives and sealed up; which packet each and every tax collector is hereby required to transmit to the speaker at Columbia on or before the first day of the annual meeting of the Legislature, to the intent that by the due examination thereof by committees to be appointed for that purpose, any improper conduct in any of the aforesaid tax collectors may be detected. And should any tax collector fail to perform the duties required by this and the next preceding clause, he shall forfeit and pay the sum of one hundred dollars, to be recovered of him by any person suing for the same in any court having competent jurisdiction.

Return of general tax.

XIX. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers to report to the house at their annual session every instance of default in any tax collector in their divisions respectively; and to instruct the attorney general or solicitors respectively, to prosecute such defaulter as soon as any instance of default shall occur. And it shall also be the duty of the said treasurers respectively, strictly to enforce the means which they are by law authorized to make use of, to compel the tax collectors to the due performance of their duties; and in case any treasurer shall fail to make use of such means, he shall be held to make good any loss which the State shall sustain thereby.

Penalty on defaulters.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-second year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

ROBERT BARNWELL, *Speaker of the House of Representatives.*

AN ACT to establish certain Roads and Ferries; and for other purposes therein mentioned. No. 1693.

(Passed December 21, 1798. *See last volume.*)

AN ACT to incorporate certain Mechanics, Manufacturers and Handicrafts, of the City of Charleston, by the name of the "Charleston Mechanic Society." No. 1694.

(Passed December 21, 1798. *See last volume.*)

A. D. 1798.

No. 1695. *AN ACT* TO ENABLE THE ASSIGNEES OF BONDS, NOTES OR BILLS, TO BRING ACTIONS FOR THE RECOVERY OF THE SAME, IN THEIR OWN NAMES.

Preamble.

WHEREAS, many inconveniencies have been experienced from assignees of bonds, notes or bills, not payable to order, or not negotiable, being compellable to bring suits for the recovery of monies due thereon in the names of the obligees of said bonds, or the payees of said notes or bills: in remedy whereof,

Assignees of
bond, notes, &c
may bring an
action in their
own names.

Proviso.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the assignee or assignees of a bond, note or bill, may, and he, she or they may, and they are hereby empowered to, bring an action of debt, or any other legal action, for the recovery of the same, in his, her or their own name or names, (styling himself, herself or themselves, in the writ to be issued, the assignee or assignees of the obligee or obligees in said bond, or of the payee or payees of the said note or bill,) any law or practice to the contrary notwithstanding. Provided nevertheless, that nothing in this Act contained shall be construed to preclude any defendant in such action from the advantage of any discounts or defence which he or she would have been entitled unto, had the action been brought in the name of the obligee or obligees of said bond or bonds, or payee or payees of said note or notes, bill or bills.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twenty-third year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

No. 1696. *AN ACT* to revive and extend an Act entitled "An Act to prohibit the importation of Negroes, until the first day of January, one thousand seven hundred and ninety-nine," until the first day of January, eighteen hundred and one.

(Passed December 21, 1798. *See last volume.*)

No. 1697. *AN ACT* TO AMEND AN ACT ENTITLED "An Act to amend the several Acts relating to the office and duty of a Coroner, and for settling the fines to be inflicted on Jurors who shall fail to attend, after being duly summoned."

Preamble.

WHEREAS, it may often prove difficult or inconvenient to the coroners in the different parts of this State, to procure a sufficient number of freeholders to constitute juries of inquest:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any and all free white men, of the age of twenty-one years or upwards, as well bystanders as others, who may be convenient, whether they be freeholders or not, shall be eligible, and may be summoned and compelled to serve as jurors, on any coroner's inquest that may be necessary to be held over the dead body of any person or persons whomsoever. A. D. 1798.
Persons liable to serve on an inquest.

II. *And be it further enacted* by the authority aforesaid, That every person summoned to attend and serve as a juror on any coroner's inquest, who shall neglect or refuse to attend and serve, (if required,) shall forfeit and pay the sum of ten dollars for every such neglect or refusal, unless he shall make a good and sufficient excuse for the same, whenever thereto required by the said coroner. Penalty for neglect or refusal.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twenty-third year of American Independence.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

AN ACT to incorporate the Saint Andrew's Society of the City of No. 1698.
Charleston, in the State of South Carolina.

(Passed December 21, 1798. *See last volume.*)

AN ACT TO INCREASE THE NUMBER OF JUSTICES OF THE PEACE IN No. 1699.
EDGEFIELD, ABBEVILLE, GREENVILLE, LAURENS, SPARTANBURGH, UNION
AND PENDLETON COUNTIES.

WHEREAS, it is deemed expedient to increase the number of justices of the peace for Edgefield, Abbeville, Greenville, Laurens, Spartanburgh, Union and Pendleton counties: Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the number of justices of the peace in Edgefield, Abbeville, Greenville, Laurens, Spartanburgh, Union and Pendleton counties, be, and the same are hereby, increased in each of the said counties, to the number of eighteen; any law to the contrary thereof in any wise notwithstanding. Number of Justices of Peace increased.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twenty-third year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

A. D. 1798.

No. 1700.

AN ACT to incorporate the Georgetown Fire Company.

(Passed December 21, 1798. See last volume.)

No. 1701. AN ACT FOR THE BETTER REGULATING THE STREETS AND MARKETS OF THE TOWN OF COLUMBIA; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, the commissioners of the streets and markets of the town of Columbia have, by their petition to the Legislature of this State, set forth, that the powers invested in them by the Act of Assembly, passed in December, in the year of our Lord one thousand seven hundred and ninety-seven, appointing them to their office, are not sufficiently extensive and complete, and not fully calculated for the well governing and regulating the streets and markets of the said town; and whereas, the said commissioners have, in their said petition, prayed for the repeal of the said law:

Election to be held.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That on the first Monday in April next, and on the first Monday in April in every year thereafter, an election, by ballot, for seven commissioners of the streets and markets, shall be held at some convenient and public place in Columbia; and that all free white inhabitants of the said town, who shall have paid a tax of one dollar the preceding year, towards the support of government in this State, shall be entitled to vote for the said commissioners; and that Simon Taylor, Swanson Lunsford and Samuel Green, shall be, and they are hereby appointed, managers for the first election, and are hereby directed to conduct and manage the said election, and proclaim the same, and give notice, in writing, to the persons elected, of their appointment.

Commissioners to choose a chairman and take oath.

II. *Be it further enacted*, That the commissioners so elected as before directed shall, at their first meeting, appoint a chairman from among their body, and shall, each of them, before entering on the duties of their office, take the following oath: "As commissioner of the streets and markets of the town of Columbia, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to carry into effect the purposes for which I have been appointed: So Help me God." And the said commissioners, or any three of them, shall have power to appoint managers for each succeeding election of commissioners of the town of Columbia. And in case of the death, resignation, or removal out of town, of any commissioner, the said commissioners shall have power, and they are hereby directed, to appoint a day for, and managers to conduct, the election for another commissioner to fill such vacancy occasioned as aforesaid. And it shall be the duty of such managers to give ten days notice, at least, previous to such election.

Vested with the same powers as commissioners on roads.

III. Whereas, the judges of Richland county have heretofore directed and ordered that the persons liable to work on the roads, living within the bounds of Columbia, should work on the streets of the said town, and excused them from working elsewhere: *Be it therefore enacted*, That the

commissioners of the streets and markets of the said town shall be, and they are hereby, vested with all the powers, within the limits of the said town, that are by law vested in commissioners of the roads where county courts are not established; and the inhabitants of the said town shall be, and they are hereby, excused from working on the public roads without the limits of the said town: That the said commissioners shall have power to fine and expel all keepers of gaming tables, within the said town, from the bounds thereof; and to grant tavern licenses, and licenses for retailing spirituous liquors, within the limits of the said town, and to receive the fees for the same.

A. D. 1798.

Power to suppress gambling and grant licenses.

IV. *And be it further enacted*, That the said commissioners shall have power to make, establish, and pass all such rules and regulations, within the said town, as they may deem proper and requisite for the promotion of the quiet and safety of the inhabitants of the said town, and for the regulation of the streets and markets; provided such rules and regulations be not repugnant to the existing laws of the State or of the United States; and shall have power to impose, recover and collect, in a summary way, before any two or more of the said commissioners, such fine or fines, on and from any person or persons who may infringe the by-laws, rules and regulations, passed and enacted by the said commissioners. Provided, that no fine or penalty for one and the same offence, shall exceed ten dollars.

To make rules, regulations, &c.

V. *Be it further enacted*, That the said commissioners shall have power, and are hereby directed and required, to appoint a clerk of the market of the said town of Columbia, who shall (in addition to any duties which by the rules and regulations of the said commissioners may be imposed on him) record the marks and brands of all cattle which may be butchered and brought to the market in Columbia; and shall have such fees and perquisites, and such salary, as the commissioners shall deem reasonable and sufficient.

To appoint a clerk of the market.

VI. *Be it further enacted*, That the said commissioners shall be, and they are hereby, vested with the right to sell any timber and timber trees, or other trees, growing or lying on the unsold lots and squares of land, and on the streets of the said town of Columbia, and to restrain all persons from cutting and using the same, except under a written order from them, or from such officer as they may appoint to take the charge and care of the same; and such persons as shall transgress the rules and regulations which the said commissioners shall establish for the preserving and securing of the said timber, shall be subject to such fines or penalties as the said commissioners may impose; provided, the said fine or fines do not, for one and the same offence, exceed ten dollars. Provided nevertheless, that the door-keeper, or keeper of the State-house, or such other person who shall undertake to supply fire-wood for the Senate and House of Representatives, shall not be liable to the above restriction.

May sell timber and timber trees.

VII. *Be it further enacted*, That the funds arising from the tax on the inhabitants, in lieu of the working on the public road, and fines on persons keeping gaming houses and gaming tables, for tavern licenses and licenses for retailing of spirituous liquors, from the rent of stalls in the market, and for recording, by the clerk of the market, the marks and brands of cattle butchered and sold in the said market, and from the sale of the wood and timber in the said town, and from fines and forfeitures, shall be applied in keeping in repair the said market, and in opening and keeping in good order such streets of the town of Columbia as they shall judge for the convenience and utility of the inhabitants of the said town, and for the payment of the salary of the clerk of the market, and such other officer as

Funds, how to be appropriated

A. D. 1793.

they may appoint to carry into effect this Act; and the surplusage, if any, shall be accounted for by the said commissioners, yearly, and paid over to the trustees of the Columbia Academy, to be applied by them in such manner as they may deem beneficial for the interest of said Academy.

Former Act repealed.

VIII. *Be it further enacted*, That so much of the Act, passed in December, one thousand seven hundred and ninety-seven, which relates to the appointing and empowering the commissioners of the streets and markets of the town of Columbia, shall be, and the same is hereby, repealed.

Burial ground to be laid out.

IX. And whereas, the inhabitants of the town of Columbia have experienced great inconveniences from the want of a public burial ground: *Be it further enacted* by the authority aforesaid, That the commissioners of Columbia shall, immediately after the passing of this Act, lay out a piece of ground, which shall not exceed a square of four acres, and which said lot shall be vested in the commissioners of the streets, as trustees in behalf of the inhabitants; who are hereby authorized, when their funds are competent thereunto, to erect a building thereon, for the purpose of public worship, and that the residue of the said lot shall be free for all the inhabitants to bury their dead therein, as also for the burial of all strangers who may die in the said town.

This a public Act.

X. *Be it further enacted*, That this law shall be taken and deemed as a public Act in all courts in this State, and given in evidence as such, without special pleading.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twenty-third year of the Independence of the United States of America.

JOHN WARD, *President of the Senate*.

WM. JOHNSON, Jr. *Speaker of the House of Representatives*.

No. 1702. AN ACT TO ESTABLISH THE BOUNDARIES OF THE TOWN OF CAMDEN.

Preamble.

WHEREAS, in and by an Act of the Legislature of this State, William Lang, James Kershaw, John Kershaw, James Chesnut and Samuel Mathis, were appointed commissioners to survey, lay out, and ascertain the boundaries of the town of Camden, and were directed to report a plan thereof, to the end that the same might be established by law; and whereas, the said commissioners have accordingly reported a plan thereof, and suggested that a considerable degree of benefit would accrue to the inhabitants of the said town, if the limits were extended so as to include the lands lying between Pinetree creek and the southern and eastern part of the town, from a post oak, near the bridge, on the Charleston road, to where De Kalb street continued intersects Little Pinetree creek; and have recommended that two certain streets, the one called Wyly-street, and the other called Mulberry street, (represented by the plan annexed to the said report,) be established as a part of the said town:

Boundary of the town of Camden.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the plan so returned by the said commissioners, including Wyly and Mulberry streets, agreeable to the said plan, be, and is hereby established as the plan of the said town. And that the

lands lying between Pinetree creek and the southern and eastern part of the town, from a post oak near the bridge on the Charleston road, to where De Kalb street continued intersects Little Pinetree creek, agreeable to the plan returned by the said commissioners, be, and are hereby declared to be, within the jurisdiction of the town of Camden and the corporation thereof; so that the boundaries of the said town shall be as follows, that is to say: beginning where De Kalb street intersects Little Pinetree creek, thence down the old bed of the creek to a post oak on the bank of the creek, below the bridge aforesaid, marked with three notches and a cross, thence across the creek in a direct line north eight degrees west, until it intersects Mulberry-street, on the west side of Broad-street, thence along Mulberry-street, on the south side thereof, until it intersects Wyly-street, at a post on the west side of it, thence along Wyly-street, on the west side thereof, until it intersects Boundary-street, at a post on the north side of it, thence along Boundary-street, on the north side thereof, until it intersects Mill-street, at a post on the east side of it, thence down Mill-street, on the east side thereof, until it intersects De Kalb street, at a post on the north side of it, and thence along the north side of De Kalb street, to the beginning.

II. *And be it further enacted* by the authority aforesaid, That the surveyor general be, and he is hereby, directed to record in his office, the said plan and report; and that a copy of the said plan, certified by the surveyor general, be annexed to this law, and recorded therewith in the office of the secretary of state, to be in future referred to, if necessary, in any dispute that may hereafter arise with regard to the boundaries of the said town of Camden.

A.D. 1798.
Plan of the town to be recorded.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twenty-third year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

AN ACT TO PREVENT CERTAIN STREETS IN BEAUFORT FROM BEING STOPPED OR OBSTRUCTED. No. 1703.

WHEREAS, representations have been made to the Legislature, by the inhabitants of the town of Beaufort, stating as a grievance that sundry grants have been improperly obtained for the lands lying in front of some of the streets in the said town; and whereas, the parties holding such grants have, by their petitions, stated that they were fairly obtained, and have been bought by them for valuable considerations:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the streets in the said town, which run northwardly and southwardly, and which extend to Bay-street, shall be, and they are hereby, continued and extended in such manner as for ever hereafter to be open and free, to the river, lying in front of the said town, and to be at all times accessible to all persons; and that all the land lying directly and immediately in front of the said streets, down to the channel of the said river, whether the same be covered

Streets to be extended, and open towards the river.

A. D. 1798.

with the waters of the said river or not, shall for ever hereafter be considered as the property of, and belonging to, the said town, and shall never be granted by any Governor of this State, or be otherwise vested in any individual or individuals or any body corporate, unless it be by an Act of the Legislature passed for that purpose. And every grant which may at any time hereafter be obtained for any part of the said land shall be *ipso facto* void.

Powers of the
commissioners
of streets.

11. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the streets, for the time being, of the town of Beaufort, in their own names, but for and in behalf of the said town, to commence a suit or suits against any person or persons claiming title to and being in possession of lands lying in front of the streets of the said town, and claimed as part thereof; and should a verdict or verdicts be obtained against the said commissioners, it shall and may be lawful for the jury giving such verdict, and they are hereby required, to assess the value of the said lands, with such improvements as may be thereon at the time of passing this Act, and the said lands, with such improvements as may be thereon at the time of passing this Act, shall be vested in and be considered as part of, and belonging to, the said town of Beaufort, on payment or tender of the sum at which they shall be valued by the jury aforesaid; and the commissioners of the streets, for the time being, of the said town of Beaufort, are hereby vested with full power and authority, and are hereby required, within three months after any verdict shall be obtained against them, in any suit commenced as aforesaid for the purpose of trying the right to the lands abovementioned, to assess the lots in the said town of Beaufort, according to their value respectively, to raise the amount of the sum specified in the said verdict, together with the costs of suit: and the said commissioners, or a majority of them, after the proprietors of the said lots shall be cited before them, to shew cause why execution should not issue, shall have power, if no such cause shall be shewn, immediately to issue execution from under their hands and seals, or from and under the hands and seals of a majority of them, to sell the lot or lots of such proprietors, giving thirty days notice of such sale.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twenty-third year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

No. 1704. AN ACT to vest the powers of superintending the Public Roads of the Counties of Kershaw, Fairfield, Chester, York and Union, in Commissioners, instead of the County Courts.

(Passed December 21, 1798. See last volume.)

A. D. 1798.

AN ACT TO VEST IN THE CLARENDON ORPHAN SOCIETY ALL THE No. 1705.

ESCHEATED PROPERTY OF THE COUNTY OF CLARENDON, FOR THE PURPOSE OF ENDOWING AND SUPPORTING A SCHOOL IN THE SAID COUNTY; AND ALSO FOR VESTING ESCHATED PROPERTY IN ORANGEBURGH DISTRICT, IN TRUSTEES, FOR THE LIKE PURPOSES.

WHEREAS, the inhabitants of the county of Clarendon, by their petition, setting forth that the establishment of a public school in the said county would be productive of general utility, and tend to the happiness of society, good order and government:

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and house of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the property which hath heretofore or may hereafter escheat to this State, within the limits of Clarendon county, (provided the same do not exceed ten thousand dollars,) shall be, and the same is hereby, vested in the trustees hereafter appointed, and for the purposes hereinafter mentioned; and the said trustees for the receiving and disposal of the same, are hereby vested with all the powers heretofore vested in the person or persons appointed escheators in the several districts throughout this State, so far as the same concerns that part of the State which is included in the present limits of Clarendon county.

Escheated property in Clarendon county, vested in commissioners.

II. *And be it enacted* by the authority aforesaid, That Richard Richardson, senior, James Davis, Thomas Nightingale Johnson, John Peter Richardson, Samuel Montgomery, senior, Mathew James and James Burchill Richardson, shall be, and they are hereby appointed, trustees for the purposes of establishing and conducting a public school in Clarendon county, with full power and authority, from time to time, to make, constitute and establish such by-laws, rules and orders, as to them shall seem necessary and convenient for the better regulation, government, well-ordering and directing of themselves as trustees aforesaid, as well as of the said public school so to be established. And the said trustees, and their successors, shall for ever hereafter be a body politic and corporate, in deed and in name, and by the style of "The Trustees of the Public School of the Clarendon Orphan Society;" and by the said name shall have perpetual succession of officers and members, and a common seal, with power to change, alter and make new the same as often as the said corporation shall judge expedient.

Trustees incorporated.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the said corporation to take, retain, and hold for ever, any charitable donations, devises or bequests, of lands or personal property, and to appropriate the same to the purposes of said corporation; and by its name to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this State.

May receive charitable donations.

IV. *And be it further enacted* by the authority aforesaid, That the said public school in Clarendon county shall be under the management and direction of the aforesaid trustees, or a majority or board thereof, to be chosen, appointed and perpetuated as follows: The said trustees and their successors shall meet on the second Monday in May in every year, at any place so to be appointed by the said trustees, between the hours of ten o'clock in the morning, and three o'clock in the afternoon, (after due notice being given by the trustees at least eight days before,) and the majority of those so met shall elect by ballot a president and such other officers

How and when to meet and elect officers and fill vacancies.

A. D. 1796.

as they shall think necessary for the ensuing year. And on the death, resignation, or removal from the State, by residence, of any trustee or officer, the president, or in his absence the next presiding officer, shall, in a convenient place, and within two months after due notice, convene the said trustees, and, in the manner aforesaid, so supply and fill up all vacancies that may so take place from time to time.

To keep an account of their proceedings.

V. *And be it further enacted* by the authority aforesaid, That the aforesaid trustees shall keep an accurate account of all their proceedings in regard to the property granted as aforesaid, which, whenever required so to do, they shall lay before the Legislature for their information.

Trustees for establishing schools in Orangeburgh district.

VI. *Be it further enacted* by the authority aforesaid, That Henry Dana Ward, Col. Jacob Rumph, James Stewart, James Carmichael, David Coalter, William Fitzpatrick, Jacob Seibels, Alexander Bell, Hargrove Arthur, Robert Stark, Charles Brown, Aaron Smith, Joseph Vince, Charles Goodwin and Tarleton Brown, shall be, and they are hereby appointed, trustees for the purposes of establishing schools and other seminaries of learning in the district of Orangeburgh; and that the said trustees, and their successors, shall, for ever hereafter, be one body politic and corporate, in deed and in name, by the style of "The Trustees for establishing Public Schools in the district of Orangeburgh;" and by the said name shall have perpetual succession of officers and members, and a common seal, with power to alter, change and make new the same, as often as the said corporation shall judge expedient.

May purchase and hold lands or other property, and receive donations.

VII. *And be it further enacted* by the authority aforesaid, That the said corporation shall be capable in law to purchase, have, hold, receive, enjoy, possess and retain to itself, in perpetuity, or for any term of years, any lands, tenements, or hereditaments, or other property of what kind or nature soever, and to sell, alien, or lease the same as they shall think proper: And also that it shall and may be lawful for the said corporation to take and hold for ever, any charitable donations, devises or bequests of land or personal property, and to appropriate the same to the purposes of the said corporation; and by its said name to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this State: Provided always, that all such purchases, donations, devises and bequests of lands or personal property, and the property vested by virtue of this Act in the said trustees, shall not exceed the sum of twenty thousand dollars.

Trustees how perpetuated, and how to elect officers.

VIII. *And be it further enacted* by the authority aforesaid, That the said schools shall be under the management and direction of the aforesaid trustees, or a quorum of them, to be chosen, appointed and perpetuated in the following manner, that is to say: the said trustees, and their successors, shall meet on the first Monday in May in every year, at Orangeburgh, or such other place as shall be appointed by a majority of them, between the hours of nine in the morning and three in the afternoon, and the major part of those so met shall elect by ballot a president and such other officers as they shall think necessary for the year ensuing. And on the death, resignation or removal from the State of any trustee or trustees, the president, or in his absence the next presiding officer, shall, within three months thereafter, cause the other trustees to be summoned to meet at Orangeburgh aforesaid, or such other place as the president, or presiding officer, shall appoint, giving at least thirty days notice: and the trustees who shall meet, not less than seven being present, or a majority of those so met, shall choose by ballot another trustee or trustees, in the place or places of any one or more so dying, removing or resigning; and in case of the death, removal or resignation of the president or other officer, the pre-

siding officer shall convene the trustees in the same manner as the president is herein before directed, and the trustees, being met, shall proceed to the election of a president or other officer, in the same manner as prescribed at their annual election: Provided that such president, or other officer, shall only continue in office until the next annual election.

A. D. 1798.



IX. *And be it further enacted* by the authority aforesaid, That the said trustees, or a majority of them, shall have full power and authority, from time to time, to make, constitute and establish such and so many by-laws, rules and orders, as to them shall seem necessary and convenient, for the better regulation, government, well ordering and directing themselves as trustees aforesaid, and the schools so to be established by virtue of this Act, and all officers, professors, or other persons by them employed, or to be employed, in and about the same, and of all students in the said schools, and for the better managing and transacting all things necessary for and concerning the government of the same schools, and the same by-laws, rules and orders, to put in force and execution accordingly, and the same again at their will and pleasure to revoke, alter, change or annul; all which by-laws, rules and orders, so to be made as aforesaid, shall be binding on each and every of the trustees, and on all officers, professors and other persons by them employed, and on all students in the said schools, and shall be, from time to time, by each and every of them, invariably and punctually observed, according to the tenor thereof, under the several pains, penalties and disabilities therein to be expressed, fixed, appointed or declared: Provided that the same shall be reasonable, and not contrary or repugnant to the laws of this State, or of the United States.

Shall have
power to make
by-laws, &c.

X. *And be it further enacted* by the authority aforesaid, That seven of the said trustees, assembled together for that purpose, public notice of such meeting being given by the president or presiding officer, at least thirty days previous thereto, shall be capable in law of doing, executing, performing and carrying into effect all the powers, duties and authorities, by this Act vested in them.

Seven trustees
a quorum.

XI. *And be it further enacted* by the authority aforesaid, That the said trustees shall be, and are hereby declared to be, escheators for the district of Orangeburgh, and that all the lands or other property which has already or shall hereafter escheat, in the district of Orangeburgh, not exceeding the value of twenty thousand dollars, shall be, and are hereby, vested in the said trustees, for the purposes aforesaid.

Trustees ap-
pointed es-
cheators.

XII. *And be it further enacted* by the authority aforesaid, That the aforesaid trustees shall keep an accurate account of all their proceedings, in regard to the property hereby vested in them, which, whenever required so to do, they shall lay before the Legislature for their information.

To keep an ac-
count.

XIII. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and judicially taken of as such, without special pleading; and that the same shall or may be given in evidence, on any issue to be tried in any court of law in this State.

This Act a
public Act.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twenty-third year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

A. D. 1798.

No. 1706. AN ACT to establish an uniform and more convenient System of Judicature.

(Passed December 21, 1798. See last volume.)

No. 1707. AN ACT TO RAISE SUPPLIES AND TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND NINETY-EIGHT ; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State for the use and service thereof.

Rate of taxation
on lands.

II. *And be it further enacted* by the authority aforesaid, That the half of one dollar per centum ad valorem shall be paid in specie or paper medium on all lands granted within this State, under the several regulations hereinafter expressed, that is to say : Class No. 1 shall contain all tide swamp of the first quality, not generally affected by salts or freshes, which shall be rated at twenty-six dollars per acre ; all tide swamp of the second quality, not generally affected by the salts or freshes, which shall be rated at seventeen dollars per acre ; all tide swamp of the third quality, not generally affected by salts or freshes, which shall be rated at eight dollars and one half per acre ; all pine barren land adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre ; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre ; all inland swamp of the second quality, which shall be rated at eight dollars and one half per acre ; all inland swamp of the third quality, which shall be rated at four dollars per acre ; pine barren land, adjoining or contiguous thereto, which shall be rated at one dollar per acre ; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on the Pedee ; the first quality of which shall be rated at thirteen dollars per acre ; the second quality at eight and one half dollars per acre ; and the third quality at four dollars per acre ; excepting such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamp and low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5

shall comprehend all lands on the Sea islands, (Slann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn or indigo, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying between Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, or the new boundary line on Pedee, and not included in the limits or description of the two next preceding classes, numbers four and five, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in the classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one dollar and one half per acre; the second quality, at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality, at sixty cents per acre; and the third quality, at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip and St. Michael, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

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III. *And be it further enacted* by the authority aforesaid, That seventy-five cents per head shall be levied on all slaves; the sum of two dollars per head on all free negroes, mulattoes, and mestizoes, between the ages of sixteen and fifty years; and the half of a dollar per centum ad valorem on all lands, lots and buildings within any city, village, or borough; and on all stock in trade, factorage, employments, faculties and professions, (excepting clergymen, schoolmasters, schoolmistresses and mechanics,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in specie or paper medium.

Rate of taxing slaves, &c.

IV. *And be it further enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property or estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, or the Fellowship Society, or the estate of the late Doctor De la Howe, devised for charitable purposes, or the Clarendon and Camden Orphan Societies.

Slaves employed on Indian lands.

Exceptions.

V. *And be it further enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any young man sent abroad for his education, until he attains the age of twenty-three years; or to the property of any person now absent from the United States, unless such person has been absent for one year.

Absentees double taxed.

VI. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors appointed by law shall do and perform all and singular the duties of their offices, according to the Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collec-

Compensation of enquirers, assessors, &c.

A. D. 1798.

tors of the taxes, and other persons concerned therein ;" and that on closing their accounts with the treasury, and not before, they shall receive five per cent. on the amount collected, excepting the collectors of St. Philip's and St. Michael's parishes, who shall receive in like mannertwo and a half per cent.

Returns of former taxes to be made.

VII. *And be it further enacted* by the authority aforesaid, That the assessors, enquirers, and collectors respectively, shall begin their enquiry on the first day of February next ; and that where all the collectors who were appointed for any parish or county are dead, and the tax returns not closed with the commissioners of the treasury, the collector who shall thereafter be appointed is hereby directed and ordered to demand receipts or to administer an oath, or to procure other satisfactory proof from the inhabitants of the county or parish, in order to ascertain whose taxes might be still due, and to enable the public to discover what sums of money might be due by the deceased tax collectors ; and if the executors or administrators of any deceased tax collector neglect or refuse to produce the accounts of the deceased, or to give all the information in their power on the subject, the treasurers are hereby ordered to proceed according to law against the estates of the deceased tax collectors.

Time of payment of taxes.

VIII. *And be it further enacted* by the authority aforesaid, That all persons in any wise liable to pay the taxes hereby imposed, shall, on the first day of February next, give in a true and just return of all slaves, and of the quality and quantity of all lands, as directed or required by this Act, which they may hold or be intitled unto, either in his, her or their own right, or in the right of any person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever ; and shall, on or before the first day of April next, pay their taxes to the collector of that parish, county or district where the party making such return, either by himself or his or her family, may reside the greater part of the year. And the said assessors and collectors shall pay the same, and settle their accounts with the treasury, on the first day of June next.

Appropriation.

IX. *And be it further enacted* by the authority aforesaid, That all the interest on the paper medium which shall be due on or before the first Wednesday in March next, shall be, and is hereby, appropriated to make up any deficiency of money that may happen under this Act.

What shall be received for taxes.

X. *And be it further enacted* by the authority aforesaid, That the tax collectors throughout the State shall receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance with gold and silver at the bank of the United States, the branch thereof in Charleston, or the bank of South Carolina, or certificates for the pay of the members of the Legislature, or of the Solicitors, for their attendance on the Legislature.

Land owned by persons out of the State.

XI. And whereas, enormous tracts of land within this State have lately been sold in the Northern States and in foreign countries, and the owners thereof are supposed at present to pay no tax whatever ; *Be it therefore enacted* by the authority aforesaid, That it shall be the duty of, and it is hereby enjoined on, all tax collectors to enquire for all such land, and collect the tax and arrears of tax thereon ; and if the taxes thereon, and the arrears of taxes thereon, shall not be fully paid at or before the time hereinbefore appointed for the payment of the general tax, then the tax collectors shall forthwith proceed to sell the same, agreeably to the mode prescribed by law for selling the property of those who make default in paying their taxes.

XII. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish

copies of this Act to each of the collectors appointed by law, throughout this State, within one month after the passing of this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

A. D. 1798.

XIII. *And be it further enacted* by the authority aforesaid, That the instalment of the paper medium which will be due on the first Wednesday in March next, shall not be required to be paid as directed by the Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-three," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and four: Provided always nevertheless, that no person shall be entitled to the benefit of this clause who shall not give an additional security, if required by the treasurer of Charleston, and in all cases when he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which shall be made in paying the interest to grow due in March next.

The paper medium, when to be paid.

XIV. *And be it further enacted* by the authority aforesaid, That the sums to be raised and collected under and by virtue of this Act shall be, and are hereby, appropriated to the following purposes, to wit: a sum not exceeding sixty-five thousand five hundred dollars, to the payment of the civil list as estimated in the statement No. 1 hereunto annexed; a sum not exceeding thirty-two thousand five hundred dollars to the payment of the contingent accounts and extraordinaries as estimated in the statement No. 2; and the surplus of which shall remain in the treasury after satisfying the aforesaid appropriations shall and may be applied by the treasurers as is or may be directed by law.

Appropriation.

ESTIMATE

Of supplies wanted for the support of Government, for the year one thousand seven hundred and ninety-eight, and to discharge demands incurred in the year one thousand seven hundred and ninety-eight.

STATEMENT NO. I.

SALARIES, AS SETTLED BY LAW.

For the Governor,	-	-	-	-	-	\$2,572 00
For the Secretary to the Governor,	-	-	-	-	-	430 00
For four Judges of the Superior Courts of Law,	\$2,572 each,	-	-	-	-	10,288 00
For one Judge of the Court of Equity,	\$2,144,	-	-	-	-	2,144 00
For the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, in addition to his other duties,	-	-	-	-	-	860 00
For three Circuit Solicitors,	\$430 each,	-	-	-	-	1,290 00
For the Treasurer in Charleston, for salary as Treasurer, and for transacting the business of the Loan Office, and Clerk,	-	-	-	-	-	2,658 00
For the Treasurer in Columbia, for his salary,	-	-	-	-	-	1,290 00
For the Clerk to the Treasurer in Columbia,	-	-	-	-	-	400 00
For the Clerk of the Senate, and the Clerk of the House of Representatives, each \$1230,	-	-	-	-	-	\$2,460 00
For two Doorkeepers and two Messengers, each \$216,	-	-	-	-	-	864 00
For the keeper of the State House, at Columbia, his salary, fixed at	-	-	-	-	-	130 00
For the Powder receiver and Arsenal store-keeper in Charleston,	-	-	-	-	-	216 00
For Ditto ditto at Abbeville Court House,	-	-	-	-	-	86 00
For the Transient poor, payable to the City Council of Charleston,	-	-	-	-	-	4,280 00
For the State Printer's salary,	-	-	-	-	-	686 00
For the contingent fund, subject to the Governor's draft,	-	-	-	-	-	4,300 00
For the expenses of the members of the present session,	-	-	-	-	-	7,000 00

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For the Treasurer of Charleston, for performing the duties of the commissioner of public accounts, to be transferred to him, for which purpose he is herewith invested with all the powers, and enjoined to perform all the duties, heretofore directed by law respecting the commissioner of public accounts,	\$700 00
For the Pilot for the bar and harbor of Georgetown,	322 00
For the Port Physician,	600 00
For nine Brigade Inspectors, each \$216,	1,944 00
For the Clerk of the Court of Columbia,	140 00
For the Adjutant General, for the year 1799,	1500 00
For the Rev. Mr. Dunlap, for preaching before the Legislature,	90 00
For the commissions on receiving taxes,	8,500 00
For Annuities,	7000 00
	<hr/> \$63,057 00

STATEMENT NO. 2.

For contingent accounts of the lower division of the Treasury, payable by the Treasurer of Charleston,	8,531 99
For ditto ditto, payable by the Treasurer in Columbia,	10,630 94
For building a laboratory and magazine in Beaufort,	2,500 00
For Do. do. in Georgetown,	8,000 00
For Do. do. in Camden, a sum not exceeding	8,000 00
For purchasing 5000 stand of arms,	40,000 00
For Building a fort in Beaufort harbour,	1,500 00
For Do. do. for the defence of the bay and harbour of Winyaw and harbour of Georgetown,	6,000 00
For the payment of Holman Freeman's demand,	1,171 60
Do. of George L. Roger Heriot's demand, for 100 stand of arms,	750 00
For a sum not exceeding \$2000, to be subject to the draft of his Excellency the Governor, in payment of the Militia who were called into service on the sea coast, during the present year,	2,000 00
For the payment of the claim of Charles Pinckney, agreeably to joint resolution of the Legislature,	410 39
For the payment of the claim of Thomas Martin, agreeably to joint resolution of the Legislature,	841 50
For payment of the claim of John Coupland, per ditto,	32 12
For do. do. of Hill & Hayne, per ditto,	1,362 96

XV. *And be it further enacted* by the authority aforesaid, That the sum of seven thousand and eighty pounds be appropriated for the purpose of procuring the following articles, to wit :

For repairing Fort Mechanic and building a guard house, magazine, and furnace therein,	£ 600
Making carriages, and mounting twenty pieces of cannon,	1000
Repairing the Arsenal and tiling the Guard House,	800
Six hundred Tents,	3000
Twelve hundred camp kettles,	300
Three thousand five hundred canteens,	500
Medicine chests,	250
Purchasing two tons of four pound shot,	50
Casting other shot,	200
Thirty thousand flints,	100
Six ammunition waggons,	180
Presents for Indians.	100
	<hr/> £7,080

A. D. 1798.

XVI. *And be it further enacted* by the authority aforesaid, That the treasurers shall not hereafter draw any order or check, or make any draft on any tax collectors in this State, in favor of any person having any claim or demand on the treasury of this State; nor shall the treasurers make payment to any person having any claim on the State, even though allowed by law and provided for by the Legislature, but at the treasury in Charleston or at the treasury in Columbia; and no tax collector shall receive or take in payment of taxes due by any person any order, draft or check of either of the treasurers.

All payments
to be at the
treasury.

XVII. *And be it further enacted* by the authority aforesaid, That the treasurers in Charleston and Columbia shall procure to be printed so many blank tax returns adapted to the nature of the taxes which the Legislature shall from time to time impose, as will be necessary under this Act; and the said treasurers shall furnish each tax collector in their divisions respectively with so many of the said blanks as will enable him to perform the duties required under this Act. And each and every tax collector shall, and he is hereby authorized and required to, demand and take from each and every person making a tax return, two copies of such return signed and sworn to as the law directs, to be made out on the said blanks.

Blank returns
to be furnished.

XVIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of each and every tax collector throughout this State, to make out a duplicate of the general return which he is by law directed to make to the treasurer, and to inclose the same, together with the duplicate of the tax returns by this Act directed to be taken from the individuals of their respective counties and parishes, in a packet directed to the Speaker of the House of Representatives and sealed up; which packet each and every tax collector is hereby required to transmit to the speaker at Columbia on or before the first day of the annual meeting of the Legislature, to the intent that by the due examination thereof by committees to be appointed for that purpose, any improper conduct in any of the aforesaid tax collectors may be detected. And should any tax collector fail to perform the duties required by this and the next preceding clause, he shall forfeit and pay the sum of one hundred dollars, to be recovered of him by any person suing for the same in any court having competent jurisdiction.

Return of gen-
eral tax to be
made to the
Legislature.

XIX. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers to report to this house at their annual session every instance of default in any tax collector in their divisions respectively; and to instruct the attorney general or solicitors respectively, to prosecute such defaulter as soon as any instance of default shall occur. And it shall also be the duty of the said treasurers respectively, strictly to enforce the means which they are by law authorized to make use of, to compel the tax collectors to the due performance of their duties; and in case any treasurer shall fail to make use of such means, he shall be held to make good any loss which the State shall sustain thereby.

Defaulters, how
to be proceeded
against.

XX. Whereas, General Richard Winn, by his petition, hath represented that during his absence from this State, on public business, he made default in the payment of the interest due on the paper medium to the loan office, in consequence whereof two tracts of land, situate in Fairfield county, mortgaged to the commissioners of the loan office for securing the payment of the principal sum and interest of the said paper medium, were sold by the commissioners of the treasury, and bought in and are now held by the said commissioners for the State; *Be it therefore enacted*, That if the said Richard Winn, at any time within twelve months after the passing of this Act, shall pay all arrears of the principal and interest of the said paper medium, heretofore required to be paid by any Act or Acts of the

Case of Rich-
ard Winn.

A. D. 1798.

Legislature of this State, and shall (if demanded) give such additional security as shall be required by the commissioner of the treasury in Charleston, then the said lands, sold as aforesaid, shall be restored, but subject to the original mortgage, in trust for the public; and the said Richard Winn shall be entitled to the same benefit as if no default had been made as aforesaid.

Tax collectors
to make no dis-
crimination.

XXI. *And be it further enacted* by the authority aforesaid, That if any tax collector or collectors shall make any distinction or discrimination of persons in issuing execution, the taxes of such persons (in addition to the lien which the State has on the individual's property) shall be considered as thereby assumed by such collector or collectors; and the treasurers at Charleston and Columbia are directed and enjoined, in the different departments, to debit such collector or collectors, so misbehaving, with all such arrearages of tax, and to issue execution immediately therefor against each and every of them, and lodge such execution with the sheriff of the district in which such collector or collectors resides or shall have property. And if any sheriff or sheriffs, in whose hands such execution shall be lodged, shall make any distinction or discrimination of persons, in serving the said executions, or shall retain the same for a longer time than two months, without making a return thereof, he is hereby made chargeable with the same, in addition to the lien which the State has over the collectors and individuals so originally in arrear for taxes as aforesaid.

Taxes to be dis-
counted from
creditors of the
State.

XXII. *And be it further enacted* by the authority aforesaid, That no person holding any office of profit under this State, or having any demand against the State, shall be entitled to receive any sum of money which may be due to him from the State until his taxes are first paid and satisfied; and the treasurers are hereby positively directed, before they shall pay to any person holding any office of profit in this State, or having such demand, the sum that may be due to him, to require of him a receipt from the tax collector where such person resides or ought to pay his tax, stating that his taxes are paid and satisfied. And upon neglect or refusal of any person holding any such office or having such demand, to produce such receipt, the treasurers are hereby directed not to pay such person the sum or sums of money which may be due to him, until satisfactory proof is made to them that such taxes have been paid, or the party agrees to discount the same. And if the treasurers should pay to any person holding an office or having a demand as aforesaid, any sum which may be due to him, without having such receipt produced or discount made, as is above required, he is hereby declared to be liable for all losses which may arise to the State therefrom.

In Charleston,
returns to be
made monthly.

XXIII. *And be it further enacted* by the authority aforesaid, That the tax collectors of St. Philip's and St. Michael's, Charleston, shall, monthly, and on the first Monday in every month, from and after the first day of February next, upon oath, make due and true return of all monies which shall have been received by them during the preceding month.

Annuities.

XXIV. *And be it further enacted* by the authority aforesaid, That the sum of five pounds be paid to each of the following persons, as one year's allowance, making in all four hundred and twenty dollars, in addition to the other pensioners, to wit: David Kerr, five pounds; Nathan Lusk, five pounds; Andrew Pickens, five pounds; Henry Carter, five pounds; Dolly Loper, five pounds; Joseph Corbett, five pounds; Mary Gowen, five pounds; Daniel McElduff, five pounds; Bethel Lamb, five pounds; David Jackson, five pounds; Eleanor Rogers, five pounds; Samuel Leard, five pounds; James Brewer, five pounds; Mourning Tyler, five pounds; Precilla Lyles, five pounds; William Carter, five pounds; Ann Cannon,

five pounds : Andrew Adams, five pounds ; James Swan, five pounds ; and Sarah Hodge, five pounds. A.D. 1798.

XXV. *And be it further enacted* by the authority aforesaid, That in case of necessity the Governor be empowered to commission the necessary officers, and fit out three gun boats now belonging to the State, and that provision will be made for the expenses of the same by the Legislature, at their next meeting, and also for the expenses of the engineers' department ; which accounts shall be examined by the treasurer, and reported to the Legislature at their next meeting. Gun-boats to be fitted out.

XXVI. *And be it further enacted* by the authority aforesaid, That an indent be issued to Doctor George Carter for the sum of fourteen hundred and sixty-four dollars, with interest from the first of April, 1783, deducting therefrom such sum as may have been drawn for by the said George Carter on the late commissioner, John Lewis Gervais, Esq. ; and the treasurer is hereby directed to issue indents as aforesaid, to the amount so drawn for, to such person or persons in whose favour such order or orders were drawn. Case of George Carter.

XXVII. *And be it further enacted* by the authority aforesaid, That the tax collector, for the time being, for Williamsburgh county, be, and he is hereby, authorized and directed to grant to John Gordon, the administrator for the estate of Roger Gordon, until the first day of October next, for the purpose of paying up the taxes due on the said estate ; that the said estate shall be relieved from the imposition of a double tax ; and that the computation of his tax be limited to the year seventeen hundred and ninety-one. Estate of Roger Gordon.

XXVIII. *And be it further enacted* by the authority aforesaid, That the following tax collectors, viz : Edward Trescot, Stephen Lee, James Garvey, Thomas W. Waters, James R. Stewart, Joseph Sadler, James G. Eden, Thomas Williams, John Cassels, Eleazer Alexander, Benjamin Carter, Wilham B. Stukes, who have neglected to make their returns, agreeably to law, be, and they are hereby, required to make an excuse, by affidavit, before some person competent to administer the same, stating their reasons for such neglect ; which affidavit they shall, within six months after the passing of this Act, transmit to the treasurer of the district in which such tax collectors shall respectively reside ; and the treasurers respectively are desired to transmit to the Legislature, at their next sitting, together with their other official documents, the said affidavits, that the Legislature may determine on the purport of the same. And if any of the tax collectors shall neglect to make and transmit the above required affidavits, within the time prescribed, that the treasurers shall direct the attorney general or solicitors, without delay, to sue for and recover from the said tax collectors the penalty annexed to their having neglected to make their returns, in the manner prescribed by law. Provided, nothing herein contained shall be construed to prevent the treasurers, or either of them, from pursuing any measures against the said tax collectors, or any of them, that the law directs. Certain defaulting tax collectors.

XXIX. *And be it further enacted* by the authority aforesaid, That the tax collectors in the election districts throughout this State, where county courts are not established, shall be, and they are hereby, authorized and directed to collect the poor tax of their respective election districts ; and they shall be allowed the usual commissions for so doing. Poor tax.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twenty-third year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

A. D. 1799.

NO 1708. AN ACT TO LESSEN THE SECURITY AT PRESENT REQUIRED BY LAW FROM THE COMMISSIONER OF LOCATIONS FOR GEORGETOWN DISTRICT; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble. WHEREAS, the sum required by law as a security from the commissioner of location for the district of Georgetown, is so great, and the profits of his office so small, that no person well qualified to hold the said office will accept of the same :

Amount of security reduced. I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioner of location for the district of Georgetown shall, hereafter, instead of the security of ten thousand pounds at present required by law, give, himself, his bond in the sum of five hundred dollars, and one good security in the sum of two hundred and fifty dollars.

Tax collector. II. *And be it enacted* by the authority aforesaid, That the tax collector for the election district of Winyaw shall, hereafter, instead of the security now given by him, according to law, give his own bond in the sum of four thousand dollars, and four securities, each in the sum of two thousand dollars ; which said securities shall be approved of by the commissioners who approve of the securities given by the sheriff of the said district, in the manner prescribed by law.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

NO. 1709. AN ACT TO ENABLE FRANCIS MARION DWIGHT TO CHANGE HIS PRESENT NAME TO THAT OF FRANCIS MARION.

Preamble. WHEREAS, Francis Marion Dwight hath petitioned the Legislature to change his present name to that of Francis Marion, in order that he may be enabled to take and receive a considerable legacy left to him by the late General Francis Marion, upon that express condition :

F. M. Dwight to take the name of Francis Marion. I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Francis Marion Dwight be, and he is hereby, authorized to change his present name to that of Francis Marion ; and that he shall hereafter be known and distinguished in law, and in all transactions in law, wherein he may be bound and obliged, or wherein any person or persons may be bound and obliged to him, by no other name but that of Francis Marion.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

A. D. 1799.

AN ACT to protect Slaves, belonging to third persons, from being No. 1710.
distrained for Rent not due by them.

(Passed December 18, 1799. *See last volume.*)

AN ACT TO PERMIT THE HONORABLE E. H. BAY TO LEAVE THE No. 1711.
STATE.

WHEREAS, the Hon. E. H. Bay, one of the associate judges of the State, has requested permission to leave the State for some time :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said E. H. Bay be, and he is hereby, authorized to leave the State for any time not exceeding one year.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

AN ACT TO OBLIGE THE TREASURERS OF THIS STATE TO GIVE SECURITY No. 1712.
FOR THE FAITHFUL DISCHARGE OF THE DUTIES OF THEIR OFFICE.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That each and every treasurer hereafter to be elected or appointed, shall, before they enter upon any duty of their offices, enter into bond or bonds, with one or more good and sufficient securities, to be approved of by the Governor or Commander-in-chief for the time being, payable to the State, and conditioned well and faithfully to discharge the several duties of their offices ; and that the bond or bonds to be given by the treasurer in Charleston and his securities shall be joint and several, and shall be in the penalty of sixty thousand dollars : and that the bond or bonds to be given by the treasurer in Columbia and his securities shall also be joint and several, and shall be in the penalty of thirty thousand dollars ; and that the bonds so to be given shall be deposited in the office of the secretary of State, there to remain of record, subject to the order of the Legislature.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

A. D. 1799.

No. 1713. AN ACT to authorize the City Council of Charleston to impose and levy a tax on the lots on Sullivan's Island, to defray the cost of erecting a Pest House on the north-east point of James's Island.

(Passed December 18, 1799. See last volume.)

No. 1714. AN ACT TO APPOINT COMMISSIONERS TO LAY OUT STREETS ON SULLIVAN'S ISLAND; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Commissioners appointed to lay out the streets on Sullivan's Island.

I. *Be it enacted*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and it is hereby enacted by the authority of the same, That Col. Lewis Morris, William Henry Desaussure, Frederick Rutledge, Jacob Sass and William Robertson, Esquires, or a majority of them, be, and they are hereby appointed, commissioners to lay out such number of streets on Sullivan's Island as the said commissioners shall deem proper and convenient: Provided nevertheless, that such streets shall not interfere with any dwelling-houses or kitchens already erected. And the commissioners are hereby vested with full powers to carry into effect the above purposes, and otherwise to regulate the police of the said Island.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners shall assess the inhabitants of the said island, possessed of lots thereon, for the expense of surveying and laying out the streets aforesaid; and that they be authorized to collect or sue for the said assessments so to be made.

Fine for keeping gaming tables open on Sabbath.

III. *And be it further enacted* by the authority aforesaid, That if any person shall keep, or suffer to be kept, any gaming table, or permit any game or games to be played in his, her or their houses, on the said island, on the Sabbath day, such person or persons, on conviction thereof before any court having jurisdiction, shall be fined in the sum of fifty dollars, to be sued for on behalf of, and to be recovered for the use of, the State.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

No. 1715. AN ACT TO RELEASE PIERCE BUTLER, ESQUIRE, FROM HIS EXECUTORSHIP, TO WHICH HE WAS APPOINTED BY THE LAST WILL AND TESTAMENT OF THE LATE ALEXANDER GILLON, ESQUIRE.

WHEREAS, Pierce Butler, Esquire, hath set forth by his petition to the Legislature, that by the last will and testament of the late Alexander

Gillon, Esquire, he was appointed one of his executors, and that he was induced, from a desire of being serviceable to the widow and infant children of a deceased friend, to administer upon the estate of the said Alexander Gillon, esquire; but from the complicated affairs of the said estate, the general ill-health of the said Pierce Butler, Esquire, and his usual absence from the State for several months every year, he finds that he cannot be of such service to the widow and children of the deceased as he once expected, while he is subjected to many inconveniences of a serious nature, on account of the said executorship: among others not less injurious to him, there is one in particular, that as the said Alexander Gillon, Esquire, in his life time, became bound by his obligation in behalf of the State, to the late duke of Luxemburgh, which obligation is now in the hands of the republic of France, as the said Pierce Butler hath been informed; so that the said Pierce Butler, Esquire, cannot visit Europe or the said republic upon business (which he finds he must be obliged shortly to do,) without being in danger of being arrested on account of the said obligation. And in as much as the said Pierce Butler has not administered on the estate of the deceased Commodore Gillon, nor ever had or taken the property, books or papers of the deceased into his possession,

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I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Pierce Butler, Esquire, be, and he is hereby, released from his executorship to which he was appoindet under the last will and testament of the late Alexander Gillon, Esquire; and also from all the losses, liabilities and expenses or inconveniences to which he may have been or hereafter might become liable or exposed to by law as executor of the last will and testament of the said Alexander Gillon, Esquire, deceased, whether the said liability should arise in consequence of any public or private transactions of the late Alexander Gillon, Esquire, in his life time.

Pierce Butler released.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

AN ACT to permit William Telfair and Elizabeth his wife, the representatives of the late Artemas Elliott Ferguson and John Moultrie, to bring certain Negro Slaves into this State. No. 1716.

(Passed December 18, 1799. See last volume.)

AN ACT TO LIMIT THE PERIOD FOR WHICH JUSTICES OF THE QUORUM AND JUSTICES OF THE PEACE SHALL REMAIN IN OFFICE; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1717.

WHEREAS, it is directed by the seventh section of the amendments of the Constitution of this State, that in future all commissions of the peace

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expire at fixed periods, to be declared by law; and whereas, no general law has been passed by the Legislature on that subject:

Justices to continue in office four years.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all and every appointment of justices of quorum and of the peace, hereafter to be made, shall continue for four years, and from thence for thirty days after the end of the session of the Legislature, at, during or next after the time of which such appointment shall expire.

Certain appointments declared void.

II. *And be it further enacted* by the authority aforesaid, That all and every appointment of justices of the quorum and of the peace, made at any time previous to the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety eight, shall, and the same is hereby declared to, be totally null and void, from and immediately after the passing of this Act.

Those of December 1798, to continue till December 1802.

III. *And be it further enacted* by the authority aforesaid, That all appointments of any justice of quorum or of the peace, made on the said twentieth day of December, in the year of our Lord, one thousand seven hundred and ninety-eight, shall continue unto the twentieth day of December, in the year of our Lord one thousand eight hundred and two, and from then until thirty days after the session of the Legislature, at, during or next after which such appointment shall expire.

No parish, county or district to have a greater number than specified.

IV. *And be it further enacted* by the authority aforesaid, That there shall not, at any time after the passing of this Act, be appointed to any parish or county or district hereinafter mentioned, any greater number of justices of the quorum or of the peace than is herein particularly specified, that is to say:

For the parishes of St. Philip and St. Michael, ten justices of the quorum and ten of the peace.

For the parish of St. James, Santee, three justices of the quorum and three of the peace.

For the parish of St. John, Berkley, four justices of the quorum and six justices of the peace.

For the parish of St. Thomas, three justices of the quorum and three justices of the peace.

For the parish of St. Stephen, three justices of the quorum and three justices of the peace.

For the parish of St. George, Dorchester, four justices of the quorum and four justices of the peace.

For the parish of St. Andrew's, three justices of the quorum and three justices of the peace.

For St. Luke's, three justices of the quorum and four justices of the peace.

For St. Paul's, five justices of the quorum and seven justices of the peace.

For Prince William's, three justices of the quorum and six justices of the peace.

For St. Peter's, three justices of the quorum and four justices of the peace.

For St. Helena, Port Republic, three justices of the quorum and four justices of the peace.

For St. John's, Colleton, three justices of the quorum and three justices of the peace.

For St. Bartholomew's, five justices of the quorum and ten justices of the peace.

For St. James's, Goose-creek, three justices of the quorum and four justices of the peace.

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For the parish of Christ-church, two justices of the quorum and three of the peace.

For the parish of All Saints, three justices of the quorum and four of the peace.

For Prince George's, Winyaw, five justices of the quorum and seven justices of the peace.

For Kingston county, three justices of the quorum and five justices of the peace.

For Liberty county, five justices of the quorum and seven justices of the peace.

For Williamsburgh, five justices of the quorum and seven justices of the peace.

For Orange county, five justices of the quorum and ten justices of the peace.

For Winton county, six justices of the quorum and ten justices of the peace.

For Lexington county, four justices of the quorum and eight justices of the peace.

For Lewisburgh county, four justices of the quorum and four of the peace.

For each of the counties of Edgefield, Greenville, Abbeville and Laurens, seven justices of the quorum and eighteen justices of the peace.

For all other counties throughout the State, five justices of the quorum and fifteen justices of the peace respectively.

V. *And be it further enacted* by the authority aforesaid, That if any justice of the peace or justice of the quorum shall be convicted of any mal-practice in his office, before any court of justice having competent jurisdiction, his office shall be of course vacated, and he shall be for ever incapable of holding or exercising the office of justice of the quorum or of the peace, in this State. Justices convicted for mal-practice, how punished.

VI. *And be it further enacted* by the authority aforesaid, That if any person appointed a justice of the quorum or a justice of the peace, shall not qualify according to law within twelve months after his appointment, he shall not be permitted to qualify or act under that appointment. Justices to qualify within 12 months.

VII. *And be it further enacted* by the authority aforesaid, That justices of the quorum and of the peace shall in future be elected or appointed by the Legislature as heretofore. To be elected as heretofore.

VIII. *And be it further enacted* by the authority aforesaid, That where any former district shall have been divided in two or more districts by an Act entitled "An Act to establish a uniform system of judicature," passed in December, in the year of our Lord one thousand seven hundred and ninety-eight, the justices of the peace appointed for the former district shall be, and they are hereby appointed, magistrates for the district within which they reside. Where former districts are divided, Justices to act where they reside.

IX. *And be it further enacted* by the authority aforesaid, That all magistrates under the age of thirty-five years, who are not otherwise exempted by law, shall be liable to do militia duty. Magistrates under 35, not exempt from militia duty.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

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No. 1718. AN ACT to revise and amend an Act entitled "An Act to establish a uniform and more convenient system of Judicature."

(Passed December 18, 1799. See last volume.)

No. 1719. AN ACT TO AUTHORIZE DAVID CAMPBELL TO PLACE A DAM ACROSS EDISTO RIVER.

Preamble.

WHEREAS, David Campbell has petitioned the Legislature for leave to place a dam across Edisto river, at or near a canal leading to the mills of the said David Campbell; and whereas, it is found that the same can be done without injury to the citizens of this State.

David Campbell authorized to place a dam across Edisto river.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said David Campbell is hereby authorized to place a dam at or near the canal leading to his mills, not to exceed in height three feet above low water mark, with a good and sufficient slope of three hundred feet, and booms above and below the same; upon the condition that the said David Campbell, his heirs, executors, administrators or assigns, shall and do at all times keep the said dam, slope and booms in good and sufficient repair, so that no obstruction or impediment be afforded thereby to rafts, boats and fish passing up and down the said river, or to the overflowing of any lands, not his own, adjacent thereto.

Remedy for injury by the dam.

II. *And be it further enacted* by the authority aforesaid, That any person or persons who shall conceive him, her or themselves to be injured by the said dam, shall state, on oath, the particular nature of the injury he, she or they complain of, before any one justice of the quorum, resident in Colleton or Orangeburgh districts, who shall have power to summon a jury of any twelve men, freeholders, residing within twenty miles of the said dam, to try the same; and the said justice of the quorum is hereby empowered to summon the said jury, and to compel their attendance, under a penalty not exceeding twenty dollars, to be recovered in any court of record; also to compel the attendance of all necessary witnesses in the said trial, under a penalty not exceeding ten dollars; and if a majority of the said freeholders should be of opinion that the said dam is an obstruction or injury to the party complaining or people living on the said river, then and in that case the said justice of the quorum shall have power, and is hereby directed and empowered, to cut the said dam, and fully clear the river of all obstructions from the same, at the cost and expense of the said David Campbell, his heirs, executors, administrators or assigns, and to levy by execution the expenses of removing such obstruction, on the property of the said David Campbell, his heirs, executors, administrators or assigns; unless the holders of the said property, for the benefit of which said dam is to be built, shall choose to remove, and shall in manner aforesaid remove, the said dam, within twenty days after the determination of such jury that the same shall be removed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

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AN ACT GRANTING THE RIGHTS AND PRIVILEGES OF DENIZENSHIP TO
ALIEN FRIENDS, RESIDING, OR INTENDING TO REMOVE, WITHIN THE
LIMITS OF THIS STATE. No. 1720.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, all free white persons, (alien enemies, fugitives from justice, and persons banished from either of the United States, excepted,) who now are, or hereafter shall become, residents in this State, shall, on taking and subscribing the oath or affirmation of allegiance before one of the judges of the court of common pleas, be deemed denizens, so as to enable such persons to purchase and hold real property within this State, and in all other respects to entitle such person to the like protection from the laws of this State as citizens are entitled unto. Who may become denizens.

II. *And be it further enacted* by the authority aforesaid, That the judge before whom such oath shall be taken, shall certify the same, in which certificate, when given to a family, shall be inserted the name and age of each, together with the place of their nativity and former residence, all which shall be declared on oath by the head of each family; and when given to a single person, his or her place of nativity and former residence shall be inserted; which certificate shall be recorded in the office of the secretary of State, either in Charleston or Columbia, within sixty days. Certificate.

III. *Be it enacted* by the authority aforesaid, That any person or persons neglecting to record their certificates aforesaid within the time limited by this Act, shall be deprived of any benefit to be derived from the same.

IV. *Be it further enacted* by the authority aforesaid, That the secretary of the State shall be authorized to demand for recording each certificate for one person, twenty-five cents; and for a family not exceeding three, fifty cents; and exceeding that number, one hundred cents for any record aforesaid. Provided that nothing herein contained shall be construed to confer on any denizen the right of voting at any election for members of either branch of the Legislature, or for any public officer of this State, or of being eligible as a member of either branch of the Legislature, or to any office of trust or profit in this State. Fee.

In the Senate House the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

AN ACT TO REGULATE THE PAY OF THE MEMBERS OF THE LEGISLATURE, DURING THEIR ATTENDANCE UPON THE SAME; AND ALSO OF THE
CIRCUIT SOLICITORS. No. 1721.

WHEREAS, the present pay of the members of the Legislature, at the rate of seven shillings per day, is evidently inadequate to the defraying of Preamble.

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their expenses during their attendance upon their duties as members of the same :

Compensation
of members of
the Legisla-
ture.

I. *Therefore be it enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the next general election of members of the Legislature, the members of the Legislature who shall hereafter assemble under the Constitution of this State, shall be entitled to receive out of the public treasury, as a compensation for their expenses, the sum of two dollars and a half per day during their attendance, and going to and returning from the legislature, allowing each member to travel at the rate of thirty-five miles per day.

Of the Solici-
tors.

II. *And be it further enacted* by the authority aforesaid, That the circuit solicitors who shall hereafter attend on any future Legislature, shall severally be entitled to receive out of the public treasury, in addition to their fixed salary, the sum of two dollars and a half for each day during such their attendance.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, *Jr. Speaker of the House of Representatives.*

No. 1722. **AN ACT** TO EXPLAIN AN ACT ENTITLED "*An Act to regulate the opening of Dams across Rice grounds, and the making and keeping up Dams for reservoirs of water,*" PASSED ON THE ELEVENTH DAY OF MARCH, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY-SIX; AND FOR OTHER PURPOSES THEREIN MENTIONED.

WHEREAS, doubts have arisen under the said Act :

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That nothing contained therein shall be construed to authorize any person or persons to keep water at any time on any lands other than his, her or their own.

II. And whereas, by the second section of an Act entitled "*An Act to empower commissioners therein named, to cut, sink and keep in repair drains and water passages in Cacaw Swamp, in the parish of St. Paul's, it is provided that a majority of the commissioners therein appointed, or their successors, shall have power to nominate three disinterested freeholders of the parish, who shall fix and ascertain, upon oath, the value of all the swamp lands lying in the neighbourhood of the said canals, or either of them, and the ratio or proportion in which they will be benefited by the same, and also the ratio or proportion in which the negroes belonging to the owners of the said lands, and liable to work on the said drains and canals, ought to be assessed, according as their lands may be benefitted thereby, and shall deliver to the said commissioners the valuation and ratio so made, under their hands and seals; and whereas, the said commissioners, in pursuance of the aforesaid Act, have from time to time appointed freeholders*

for the foregoing purposes, who being uninterested in the issue of the undertaking, and amenable to no penalty, have forborne to fulfil the duties prescribed thereby; for remedy whereof, *Be it enacted* by the authority aforesaid, that the duties, powers and authorities delegated to the said freeholders, shall be, and they are hereby, transferred to the commissioners for sinking the said drains, who shall be sworn to the due performance thereof.

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III. *And be it further enacted* by the authority aforesaid, That the said commissioners shall be vested with all the powers and authorities of the commissioners of the high roads; and they, or a majority of them, are hereby empowered, at any time from and after the passing of this Act, to call out and employ all the male slaves residing or employed on any lands within the limits of the aforesaid drains or cauals, for carrying into effect the above purposes.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

AN ACT TO VEST IN THE REV. SIMON FELIX O'GALLAGHER, PASTOR, No. 1723.
AND OTHERS COMPOSING THE VESTRY OF THE INCORPORATED ROMAN
CATHOLIC CHURCH OF CHARLESTON, THE RIGHT OF THE STATE IN
A CERTAIN LOT OF LAND SUPPOSED TO BE ESCHEATED.

WHEREAS, the Reverend Simon Felix O'Gallagher, minister and pastor, and James Moles, John Sutton, Samuel Corbett, Patrick Byrnes, Francis Mulligan, Edmund Mead Phelon, Christopher McDonald and Richard Brennan, vestry, of the incorporated Roman Catholic church of Charleston, in behalf of themselves and other the members of the said church, have, by their petition to the Legislature, represented that Joseph Mincon, late of the city of Charleston, deceased, a member of, and much attached to, the said church, was, in his life time and at the time of his death, possessed of some personal property, and also of a lot of land, situate on the north side of Queen-street, between Union-street and the Bay, containing in front on the said street, twenty-five feet nine inches, and in depth, eastwardly and westwardly, fifty-two feet six inches, and northwardly on the back line nineteen feet six inches; and which said lot of land is butting and bounding northwardly on land belonging to Thomas Roper, Esq., eastwardly on lands of Theophilus Elsworth, southwardly on Queen-street aforesaid, and westwardly on a lot now or lately belonging to the estate of Thomas Odinsell Elliott, Esq.; and which said lot of land, it is suggested, has, from a default of heirs, become escheated to the State. And whereas, it appears from the said petition, and the affidavits accompanying the same, that it was the intention of the said Joseph Mincon to have made his will and to have bequeathed and devised the whole of his estate, both real and personal, to the use of the said church, and that he was only prevented from the execution of his purpose by the suddenness

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of his death. And whereas, it would be unbecoming the liberality of the Legislature to avail itself of an accident, to the injury of the said church :

Grant of land,
&c. to the
Catholic
Church.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title, interest or claim, which has or may accrue to the State, in the said lot, by escheat or otherwise, be, and the same are hereby, vested in the said Simon Felix O'Gallagher, minister and pastor, and James Moles, John Sutton, Samuel Corbett, Patrick Byrnes, Francis Mulligan, Edmund Mead Phelon, Christopher M'Donald and Richard Brennan, composing the vestry of the said incorporated Roman Catholic church, in trust for the use and benefit of the said church.

Minister and
vestry appoint-
ed escheators.

II. *And be it further enacted* by the authority aforesaid, That the said Simon Felix O'Gallagher, pastor, and Charles Crawly, James Moles, John Sutton, Samuel Corbett, Patrick Byrnes, Francis Mulligan, Edmund Mead Phelon, Christopher M'Donald and Richard Brennan, be, and they are hereby appointed, escheators, and vested with all the powers and authorities vested by law in the escheators of this State, so far as the same may be necessary towards prosecuting the right of the State to the lot above mentioned. Provided nevertheless, that nothing in this Act contained shall be construed to prejudice the rights of any person or persons claiming under the said Joseph Mincon, either by descent or purchase,

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

No. 1724. AN ACT to prevent the opening of Streets, Lanes, Alleys and Courts, within the City of Charleston, without permission specially obtained.

(Passed December 21, 1799. *See last volume.*)

No. 1725. AN ACT to incorporate the Baptist Church at the head of Enoree river, by the name of "The Head of Enoree Baptist Society."

(Passed December 21, 1799. *See last volume.*)

No. 1726. AN ACT to incorporate the Charleston Water Company.

(Passed December 21, 1799. *See last volume.*)

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AN ACT to establish certain Roads and Ferries ; and for other purposes therein mentioned. No. 1727.

(Passed December 21, 1799. See last volume.)


AN ACT TO ENABLE THE AGRICULTURAL SOCIETY OF SOUTH CAROLINA TO DISPOSE OF THE ESTATE OF THE LATE DR. JOHN DELAHOWE, IN THE MANNER THEREIN MENTIONED. No. 1728.

WHEREAS, John Delahowe, late of Abbeville county, in the district of Ninety-six, physician, deceased, in and by his last will and testament, devised and bequeathed all of his estate to the Agricultural Society of South Carolina, in trust for the purpose of establishing and supporting, on his plantation in the said county, a seminary for the education and support of orphans, or the children of poor people ; but did not give the said society power to sell the same, for the said purpose. And whereas, it appears from the best and most unquestionable information, that the benevolent intentions of the testator must be frustrated, unless that Society be empowered to sell a part of the same, and vest the proceeds of the sale in such funds as will produce an income sufficient to maintain the institution contemplated by his will ; inasmuch as by far the greater part of his estate consisted of lands in the said county of inferior value and fertility, which cannot be rented out to advantage by any one, but more especially by that Society, as it is established in a part of the State very remote from Abbeville county. And whereas, the said Society have prayed to be discharged from that trust, if they should not be empowered to sell a part of the said estate, and there is reason to expect that if this power be not granted to them, the charitable wishes of the testator may be wholly defeated : Therefore, for remedy thereof, and in order to render the laudable views of the testator as extensively and certainly beneficial as his liberal mind had contemplated, and for the purpose of supporting his said will, and carrying the same into effect, according to the true spirit thereof :

Preamble.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Society shall have full power and lawful authority to sell and convey away, upon such terms and conditions, and at such time or times, and place or places, as they may deem most advantageous to their trust, the whole of the estate, real and personal, wheresoever and whatsoever, of the said Dr. John Delahowe, (excepting a tract to contain fifteen hundred acres of land, to be reserved for the school, including the spot and improvements upon the plantation called Letha, whereon the testator died ;) and that the monies arising from such sales, and all other monies belonging to or to be collected for the said estate, shall be vested in the stock of the United States, or of this State, or of the Branch Bank, or South Carolina Bank, in Charleston ; and that the annual interest or

The trustees empowered to sell the estate.

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In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JCHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

No. 1729. *AN ACT* TO ESTABLISH THE OFFICE OF A COMPTROLLER OF THE REVENUE AND FINANCES OF THE STATE; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble. WHEREAS, the financial system of this State is in many respects extremely defective: in remedy thereof,

Comptroller appointed, and his duties defined.

I. *Be it enacted* by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a comptroller of the treasurer be, and he is hereby, appointed, whose duty it shall be to superintend, adjust and settle all the former accounts of the treasurers and tax-collectors of this State, (not heretofore settled and adjusted,) to superintend the collection of the future revenue, and the settlement, adjustment and preservation of the public accounts; to direct and superintend prosecutions for all delinquencies of any officers heretofore or hereafter to be employed in the collection of the revenue, and the enforcement of all or any execution or executions, issued or to be issued, for arrearage of taxes and suits for any debts which may be due to the State; he shall decide on the official forms of all papers to be issued for collecting the public revenue, and the manner and form of keeping the accounts of the persons employed therein; he shall prepare and report, at every session of the Legislature, estimates of the public revenue and public expenditure, and shall at the same time render fair and accurate copies of all the treasurers' monthly reports, and a true and accurate account of the actual state of each department of the treasury; and that the books of the treasurers of this State shall, at all reasonable times, be open to the inspection and examination of the said comptroller, as shall also the books and accounts of all other person or persons concerned in the collection or safe keeping of any of the public monies or funds of this State.

Law officers to make a return to the Comptroller.

II. *Be it enacted* by the authority aforesaid, That it shall be the special duty of the said comptroller, immediately on his entering upon the duties of his office, to require of the several law officers of this State, having in charge the recovery of any of the public monies, a true and just account of the same, and a full and accurate statement of the proceedings thereon, together with the reason within his or their knowledge why the recovery of the same has been impeded.

The right of impar lance taken away from such as neglect this requisition.

III. *And be it enacted* by the authority aforesaid, That the right of impar lance, in suits which have been brought in behalf the State, or which shall or may hereafter be brought or prosecuted by the comptroller, by virtue of his office, against all or any person or persons who have neglected to account for public monies received by them, or which may hereafter be

received by them, shall be, and the same is hereby, taken away; any law, usage or custom to the contrary, notwithstanding.

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IV. *And be it enacted* by the authority aforesaid, That the said comptroller shall have, and he is hereby vested with, full power and authority, during the recess of the Legislature, to suspend from office all and every tax-collector who has been appointed since December, one thousand seven hundred and ninety-one, or who shall hereafter be appointed by the Legislature of this State, who shall neglect or refuse faithfully to perform the duties of his said office: Provided always, that such suspension shall be previously approved of by his excellency the governor for the time being, who shall be, and he is hereby, authorized to substitute and appoint fit and proper person or persons to execute the duties of the person or persons so suspended, during the recess of the Legislature.

Comptroller to
suspend any
tax collector.

V. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, it shall be the duty of the treasurers, and each of them is hereby required, at the end of every month, to report to the comptroller an accurate statement of the cash transactions of the treasury; and it shall be the duty of the said comptroller, once in every month, and at such other times as he shall deem necessary, to examine the cash in the treasury at Charleston; and once in every year, and oftener if he thinks it necessary, to examine and count over the cash in the treasury at Columbia. He shall personally superintend the transfer of money and papers from the office of the treasurers to their successors, and report to the Legislature thereon at their next session.

Treasurers to
report their
cash transac-
tions to the
Comptroller.

VI. *And be it enacted* by the authority aforesaid, That it shall be the duty of the comptroller to draw either general or special warrants upon the treasury, when he shall be thereto required, for all monies exceeding one hundred dollars, which by law are directed to be paid out of the treasury of this State; and that no greater sum shall be drawn out of the treasury, but by such general or special warrants; which warrants shall express on what accounts such money is due by the State; and the treasurers, after making a proper entry of each warrant, shall keep the same regularly filed in his office; and that it shall be the duty of the said comptroller to take a receipt and copy for every warrant so issued by him, and to keep the same regularly filed or entered in his office.

Comptroller to
draw warrants
upon the trea-
sury for all
sums exceeding
100 dollars.

VII. *And be it enacted* by the authority aforesaid, That the treasurer on receiving any monies from a tax collector, or any other person, on account of this State, shall give him therefor two receipts, one of which it shall be the duty of the tax collector, or such other person, forthwith to transmit in the safest and most expeditious manner to the comptroller; and in case any tax collector or any other such person shall refuse to do the same, he shall forfeit and pay a sum not exceeding one hundred dollars, nor less than ten dollars, to be recovered in a summary manner by warrant under the hand and seal of the said comptroller.

Treasurer on
receiving mon-
ies from a tax
collector, to
give two re-
ceipts.

VIII. *And be it enacted* by the authority aforesaid, That the said comptroller shall perform the duties of the commissioner of public accounts, as heretofore performed by the treasurer in Charleston, beside the duties aforesaid prescribed, and shall reside during the sitting of the Legislature at Columbia.

Comptroller to
do the duties
of commission-
er of accounts.

IX. *And be it enacted* by the authority aforesaid, That the said comptroller shall be elected by both branches of the Legislature of this State, shall be commissioned by the governor for the time being, shall commence the duties of his office from and after the first day of March next, and continue in office for two years from that time, and receive for his services an annual salary of two thousand dollars.

Shall continue
in office two
years.

A. D. 1799.

Accounts to be transmitted to the comptroller.

VI. *And be it enacted* by the authority aforesaid, That all accounts against the State shall be transmitted to one of the treasurers, who shall send them to the comptroller on or before the first day of October in every year; and it shall be the duty of the said comptroller to examine the said accounts, and transmit them to the Legislature, with his report, as soon as may be after the commencement of their session.

XI. *And be it enacted* by the authority aforesaid, That the said comptroller shall not only perform all the duties prescribed by this Act, but all other duties to be enjoined by any future Act of the Legislature of this State.

Demands against the State to be registered.

XII. *And be it enacted* by the authority aforesaid, That the treasurers of Charleston and Columbia shall, under the direction of the comptroller aforesaid, cause to be opened in their respective offices, on the first day of April next, books for the registry of all legal debts and demands of every denomination, kind or nature whatsoever, which any person or persons whomsoever now hath against this State, (the funded debt of the State, and all accounts barred by law, excepted,) which said books shall be kept open for the purposes aforesaid until the first day of October, one thousand eight hundred and one; and that all persons having any legal demands against the State, who shall neglect or refuse to deliver in and register the same on or before the said first day of October, one thousand eight hundred and one, shall, from and after that day, be for ever barred and excluded, as creditors of the State; and that it shall be the duty of the said comptroller, from time to time, to state to the Legislature the nature and extent of the said claims so registered, and the practicability of providing adequate funds for the immediate and absolute discharge of the said registered demands, or the funding thereof, and providing for the punctual payment and discharge of all annual interest thereon.

XIII. *And be it enacted* by the authority aforesaid, That no former treasurer, whose accounts hath not been settled under the inspection of the comptroller, shall be eligible to the office of comptroller.

Comptroller to give bond.

XIV. *And be it enacted* by the authority aforesaid, That the comptroller shall, before he enters on the duties of his office, give bond for the faithful discharge of the duties thereof, with one or more securities, to be approved of by the governor for the time being, in the sum of thirty thousand dollars.

Shall keep a book, and register all taxable property.

XV. *And be it enacted* by the authority aforesaid, That the comptroller shall, immediately after entering on the duties of his office, open a book or books, in which he shall register all the aggregates of taxable property of this State, of every description; and to enable the said comptroller more fully to carry this law into effect, he is hereby authorized and required to claim and receive all the tax returns, which may be either in possession of the treasurers or of the clerk of the house of representatives, and to keep the same in his office.

He shall examine and compare returns, and proceed against collectors where there are undue returns.

XVI. *And be it enacted* by the authority aforesaid, That it shall be the duty of the said comptroller to examine and compare the returns from the different parishes, counties and districts, and wherever he shall have reason, from such examination, to believe that the lands in any of the parishes, counties or districts as aforesaid, are not fully and fairly returned, he shall immediately give notice thereof to the tax-collector of such parish, county or district, and direct an immediate enquiry to be made therein; and in case it shall appear to him that the said tax collector hath been knowingly and wilfully concerned in the making a false return or returns, then the said comptroller shall proceed against such tax collector, in the manner that the treasurers are directed to proceed against tax collectors in case of

their not returning to them just and true accounts of all monies received by them, as directed by the first clause of the "Act declaring the powers, and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein," passed the twenty-seventh day of February, one thousand seven hundred and eighty-eight. A. D. 1798.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

AN ACT to incorporate the Upper Long Cane Society, in Abbeville No. 1730.
District.

(Passed December 21, 1799. *See last volume.*)

AN ACT to compensate the heirs and devisees of Peter Porcher, de- No. 1731.
ceased, for certain property therein mentioned.

(Passed December 21, 1799. *See last volume.*)

AN ACT TO VEST IN THE CAMDEN ORPHAN SOCIETY, AND IN OTHER No. 1732.
CHARITABLE SOCIETIES THEREIN MENTIONED, THE ESCHEATED PROP RTY
THEREIN MENTIONED.

WHEREAS, the establishment of public schools is beneficial to the State, and ought to be encouraged: Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all such property as hath heretofore escheated, or may hereafter escheat, to this State, in the said county, or within the present limits thereof, on account of property which, by an Act entitled "An Act to appoint escheators, and to regulate escheats," hath escheated to this State, shall be, and the same is hereby, vested in the Camden Orphan Society, for the purpose of promoting the beneficial purpose of the said society, and for endowing and supporting a school in the town of Camden, in the said county: Provided, the same do not exceed the sum of nine thousand dollars. And for receiving and disposing of the same property, the said Camden Orphan Society are hereby vested with all the powers heretofore vested in the person or persons heretofore appointed escheators in the several districts throughout this State, so far as the same

Escheated
property vested
in the Camden
Orphan Soci-
ety.

A. D. 1799.

concerns that part of the State which is included in the present limits of Kershaw county.

Said society to direct the application of such property.

II. *And be it further enacted* by the authority aforesaid, That the said Camden Orphan Society be, and the said society is hereby, vested with a discretionary power of directing the application of the said property, in such manner and way as shall seem to the said society best calculated to answer the beneficial purposes of this Act.

Empowered to draw lotteries.

III. *And be it further enacted* by the authority aforesaid, That the said Camden Orphan Society be, and the said society is hereby, empowered and authorized to establish and proceed to draw and finally conclude, one or more lottery or lotteries, for the purposes aforesaid. Provided, that there shall not be raised, by means thereof, a sum exceeding seven thousand dollars.

Escheated property in Lancaster county vested in trustees, for endowing a school.

IV. *And be it further enacted* by the authority aforesaid, That all such property as hath heretofore escheated, or may hereafter escheat, to this State, in the county of Lancaster, under the operation of the above recited Act, shall be, and the same is hereby, vested in the trustees hereafter appointed, for the purpose of endowing and supporting a school in the said county of Lancaster; which said trustees, or any three of them, shall have, and they are hereby vested with, all the powers vested in the person or persons appointed escheators in the several districts throughout this State, so far as the same concerns that part of the State included within the present bounds of the said county of Lancaster: Provided, the said property shall not exceed the value of nine thousand dollars.

Trustees appointed for Lancaster, to direct the application of escheated property.

V. *And be it further enacted* by the authority aforesaid, That the Rev. John Brown, Dr. Samuel C. Dunlap, Jr. John Ingram, John Montgomery and William Nesbit, shall be, and they are hereby appointed, trustees for the purpose of receiving and disposing of the escheated property within the said county of Lancaster; and that they, or any three of them, shall have, and they are hereby vested with, a discretionary power of directing the application of the escheated property in the said county of Lancaster, in such manner and way as to them shall seem most conducive to the beneficial purposes of this Act.

And to keep an account of the property so granted to them.

VI. *And be it further enacted* by the authority aforesaid, That the said Camden Orphan Society, and the said trustees for the said county of Lancaster, shall keep an accurate account of all their proceedings in regard to the property granted as aforesaid, which, whenever required so to do, they shall lay the same before the Legislature, for their information.

Certain escheated property vested in the trustees of Alexandria College.

VII. *And be it further enacted* by the authority aforesaid, That all such property as hath heretofore escheated, or which may hereafter escheat, to this State, in the counties of Union, York and Chester, or within the present limits thereof, which by an Act entitled "An Act to appoint escheators and to regulate escheats," hath escheated, or may escheat, to this State, shall be, and the same is hereby, vested in the trustees of Alexandria College, for the purposes of promoting the beneficial purposes of the college, and for endowing and supporting said college; provided, the same do not exceed the sum of nine thousand dollars. And for receiving and disposing of the said property, the said trustees are hereby vested with all the powers heretofore vested in the person or persons heretofore appointed escheators in the several districts throughout this State, so far as the same concerns that part of the State at present included in the limits of Union, York and Chester counties.

VIII. *And be it further enacted* by the authority aforesaid, That the said trustees of Alexandria College be, and the said trustees are hereby, vested

with a discretionary power to direct the application of the said property, in such manner and way as shall seem to the said trustees best calculated to promote the interest of Alexandria College.

A. D. 1799.

IX. *And be it enacted* by the authority aforesaid, That the said trustees of Alexandria College shall keep an accurate account of all their proceedings, in regard to the property hereby vested in them, which, whenever required so to do, they shall lay before the Legislature for their inspection.

Said trustees to keep an account thereof.

X. *And be it enacted* by the authority aforesaid, That all such property as hath heretofore escheated, or may hereafter escheat, to the State, by virtue of the aforesaid Act to appoint escheators and regulate escheats, within the election district of Williamsburgh, shall be, and the same is hereby, vested in the trustees for the establishment of the Williamsburgh Academy; which said trustees, or a majority of them, are hereby vested with all the powers given to the escheators by the Act aforesaid, so far as the said powers relate to the escheated property within the said district; provided, that the property so vested shall not exceed the amount of ten thousand dollars.

Escheats within the district of Williamsburgh vested in the trustees of the Williamsburgh Academy.

XI. *And be it enacted* by the authority aforesaid, That the said trustees are hereby vested with ample powers to sue for and recover the same, in the name of "The Trustees of the Williamsburgh Academy;" and may direct and apply the said property, after the same shall be recovered by law, or given up to them, in such manner as the said trustees, or a majority of them, shall think best, for the benefit of the said academy; and the said trustees shall also keep regular and accurate journals and accounts of all their proceedings in regard to the property vested in them as aforesaid; which accounts of their proceedings shall always be liable to the inspection of the courts of common pleas and of the Legislature, when called for.

Powers and duties of the said trustees.

XII. *And be it enacted* by the authority aforesaid, That all such property as hath heretofore escheated, or may hereafter escheat, to the State, by virtue of the aforesaid Act to appoint escheators and regulate escheats, within the district of Colleton, shall be, and the same is hereby, vested in the trustees hereinafter to be appointed, for the establishment of a school in the said district; which said trustees, or a majority of them, are hereby vested with all the powers given to the escheators by the Act aforesaid, so far as the said powers relate to the escheated property within the said district; provided, that the property so vested shall not exceed the amount of ten thousand dollars.

Escheats within the district of Colleton vested in trustees for a school.

XIII. *And be it enacted* by the authority aforesaid, That General John M'Pherson, Thomas Osborn, Paul Hamilton, O'Brien Smith, William B. Mitchell, John Glaze, Benjamin Postell, Dr. James Perry, William Postell, Benjamin Perry, Thomas Waring, of Pine Hill, William Hayne, and Dr. Matthew O'Discoll, be, and they are hereby appointed, trustees for the purposes of receiving and disposing of the property above specified, within the district of Colleton; and the said trustees, or a majority of them, are hereby vested with ample powers to sue for and recover the same; and they may direct and apply the said property, after the same shall be recovered by law or given up to them, in such manner as the said trustees, or a majority of them, shall think most conducive to the benefit of the said school; and the said trustees shall also keep regular and accurate journals and accounts of all their proceedings in regard to the property vested in them as aforesaid; which accounts of their proceedings shall always be liable to the inspection of the courts of common pleas or equity, and of the Legislature, when called for.

Trustees to apply escheated property.

A. D. 1799.

Vacancies
among trustees
how to be
supplied.

Escheats in St
Philip and St.
Michael vested
in the City
Council of
Charleston, for
the benefit of
the Orphan
House.

XIV. *And be it further enacted* by the authority aforesaid, That in all cases where vacancies may happen in any of the boards of trustees established by this Act, the remaining trustees shall have power to fill up the said vacancies, in the same manner commissioners of the high roads now fill up vacancies in their boards.

XV. *And be it enacted* by the authority aforesaid, That all the escheated property in the two parishes of Saint Philip and Saint Michael, now escheated, or which shall hereafter escheat, to this State, situated in the said parishes, not exceeding fifty thousand dollars, shall be, and the same is hereby, vested in the City Council of Charleston, for the benefit of the Orphan House of Charleston; and the said City Council shall be, and they are hereby, vested with all the powers necessary for escheating, selling, and appropriating the said property for the benefit of said Orphan House.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

NO. 1733. AN ACT RESPECTING THE DIVISION LINE BETWEEN THE PARISHES OF ST. JAMES, GOOSE CREEK, AND ST. GEORGE, DORCHESTER.

Preamble.

WHEREAS, the inhabitants of the upper part of the parishes of St. James, Goose Creek, and St. George, Dorchester, are subjected to many inconveniences from the division line between the said parishes not being fully ascertained and established :

Commissioners
appointed.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Robert Thornly, Abraham Rumph, Hugh Strain Winters, Gideon Browning and Zachariah Dehay, or any three of them, be, and they hereby appointed, commissioners for running the division line between the parishes of St. James, Goose Creek, and St. George, Dorchester; and they, or any three of them, are hereby vested with full powers to employ one or more surveyors, as they shall judge necessary, for running the aforesaid line; and to allow to such surveyor or surveyors such compensation for his or their services as the said commissioners, or any three of them, shall deem adequate for their services.

Part of former
Acts repealed.

II. *And be it further enacted* by the authority aforesaid, That the twenty-third clause of "An Act to alter and amend an Act respecting the high roads and bridges, passed the 22d of March, 1785, and for laying out several new roads, and establishing sundry ferries, therein mentioned," passed the 27th day of February, 1788; and the sixth clause of "An Act declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein," passed in the same session, be, and the same are hereby, repealed.

III. *And be it further enacted* by the authority aforesaid, That the commissioners hereby appointed shall proceed forthwith in the business committed to them; and they are hereby directed, when the same shall be

completed, to make a full report of their proceedings, with an accurate survey annexed to the same, to this house, in order that the said survey may be placed on record.

A. D. 1799.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

AN ACT TO INVEST JOHN ENGLISH, JR. SON OF ROBERT ENGLISH, No. 1734.

DECEASED, WITH SUCH PART OF HIS FATHER'S ESTATE, IN THIS STATE, AS REMAINS UNDISPOSED OF BY THE COMMISSIONERS OF CONFISCATED ESTATES.

WHEREAS, John English, Jr. son of Robert English, deceased, hath, by his petition to the Legislature, stated, that the estate of his father hath been confiscated, and all of it sold and disposed of that was thought worthy of the notice of the commissioners of confiscated estates; and prayed that such part thereof as remains undisposed of, should be restored to and invested in him :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the estate and property which was of and belonged to the said Robert English, at the time of the passing of the Confiscation Act, now remaining unsold and undisposed of by the commissioners of confiscation, be, and the same is hereby, restored to and vested in the said John English, Jr. and his heirs and assigns, forever; any law to the contrary notwithstanding. Provided, nothing herein contained be construed to exonerate or discharge the said estate from the just debts of the said Robert English, should any arise or appear against him. Provided also, nothing herein contained be construed to guarantee to the said John English the said property or any part thereof, but merely to give to the said John English the right of the State of, in and to the said property that remains unsold and undisposed of. And provided also, that nothing herein contained be construed to deprive any person or persons of any right or title that they may have acquired to the said property, or any part thereof, by possession, or that they may have acquired in and by virtue of the Act of the Legislature of this State entitled "An Act for settling the titles of the inhabitants of this Province to their possessions in their estates within the same, and for limitation of actions, and for avoiding suits in law."

Confiscated
estate vested in
John English.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

A. D. 1799.

No. 1735. AN ACT to incorporate a Company for opening a Canal from Back River to Chapel Bridge.

(Passed December 21, 1799. See last volume.)

No. 1736. AN ACT TO AUTHORIZE THE TREASURERS TO PAY CERTAIN PERSONS THEREIN MENTIONED, THEIR ANNUITIES, AND REGULATING PAYMENT TO ANNUITANTS.

Preamble.

WHEREAS, it is found that Joseph Crofts, Mourning Tyler, Mary Going, Daniel McEllderff, Henry Casten, Dorothy Loper, Priscilla Liles, William Carter, Nathan Lusk, Eleanor Rogers, James Swan, David Kerr, John Calhoun, David Jackson, Thomas Davidson, Andrew Pickens, of Abbeville, Samuel Laird, James Breves, Ann Cannon, and Sarah Hodge, are respectively entitled to a certain sum of money due to them for annuities, which have not been paid in consequence of a resolution passed on the tenth day of May, in the year of our Lord one thousand seven hundred and ninety-four, directing the commissioners of the treasury not to pay annuities in future, without the particular order and direction of the Legislature:

Treasurers to pay certain annuities.

I. *Be it therefore enacted* by the honorable the Senate and house of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the treasurers be, and they are hereby, authorized and directed to cause to be paid, in the manner herein after mentioned, to each of the persons aforesaid, an annuity or sum of five pounds in specie, to be calculated from the year one thousand seven hundred and ninety-three, upon their producing certificates to the treasurers of their being by law entitled to such annuities: Provided, that the said persons have not heretofore received any compensation on account of their respective annuities; in which case the sum or sums paid them on account thereof shall be deducted from that which they may become entitled to receive under and by virtue of this Act.

Sums to be paid to A. Campbell and M. Henderson.

II. *And be it further enacted* by the authority aforesaid, That the said treasurers be authorized and directed to cause to be paid, in the manner herein after directed, to Agnes Campbell, formerly Duff, the sum of twenty-five pounds, in full of the arrears of annuity due to her previously to her late marriage; and also the sum of fifteen pounds to Margaret Henderson, due her for arrears of her annuity previous to her late marriage.

Orders in favor of annuitants, how to be paid.

III. And whereas, it has but too frequently happened that public creditors have been the prey of the designing speculator, and it is highly proper, as far as possible, to guard the unfortunate; *Be it therefore enacted* by the authority aforesaid, that the treasurers be, and they are hereby, authorized and required to draw orders on the tax collectors of the district in which each of the annuitants entitled to the public bounty may reside, in his or her favor, for the amount which may be due; and the tax collector on whom such order is drawn is hereby authorized and required to pay out of the public monies then in his hands, or from the first public monies he shall receive, the amount of such order to the drawer only, and not to his or her

agent, attorney or assignee; and if the said collector, having public money in his hands, shall refuse or delay to pay the said order as aforesaid, or shall purchase the said annuity or order, then and in that case he shall forfeit and be liable to pay double the amount to the said person in whose favor the order was drawn, to be recovered by bill, plaint or indictment, in any court having sufficient jurisdiction, wherein no imparlance or dilatory plea shall be allowed; and that the offender or offenders shall, on conviction thereof, be committed to close confinement until the same be paid.

IV. *And be it further enacted* by the authority aforesaid, That the treasurers shall not draw any order in favor of any annuitant, until he or she shall have produced, or cause to be produced, a certificate signed by one member of the Legislature and two magistrates, that the person in whose favor the order is to be drawn, is still living, and stating in what district he or she resides.

A. D. 1799.

Treasurers not to draw orders in favor of annuitants, unless living.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

AN ACT supplementary to an Act entitled "An Act to establish an uniform and more convenient system of Judicature," No. 1737.

(Passed December 21, 1799. See last volume.)

AN ACT TO RAISE SUPPLIES AND MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND NINETY-NINE; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1738

I. *Be it enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State for the use and service thereof.

II. *And be it enacted* by the authority aforesaid, That the sum of twenty-five cents per centum ad valorem shall be paid in specie or paper medium on all lands granted within this State, under the several regulations hereafter expressed, that is to say: Class No. 1 shall contain all the tide swamp of the first quality, not generally affected by the salts or freshes, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by the salts or freshes, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshes, which shall be rated at eight and one half dollars per acre; all pine barren land adjoining such swamps, and having the benefit of water carriage, which shall be rated

Rate of taxation on lands.

A. D. 1799.

at two dollars per acre ; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre ; all inland swamp of the second quality, which shall be rated at eight and one half dollars per acre ; all inland swamp of the third quality, which shall be rated at four dollars per acre ; pine barren land, adjoining or contiguous thereto, which shall be rated at one dollar per acre ; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on the Pedee ; the first quality of which shall be rated at thirteen dollars per acre ; the second quality at eight and one half dollars per acre ; and the third quality at four dollars per acre ; excepting such as shall be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamp and low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands on the Sea islands, (Stann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, indigo or cotton, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the new boundary line on Pedee, not included in the limits or description of the two next preceding classes, numbers four and five, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in the classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one and a half dollar per acre ; the second quality, at one dollar per acre ; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre ; the second quality, at sixty cents per acre ; and the third quality, at twenty cents per acre. Class No. 10 shall include all the lands within the parishes of St. Philip and St. Michael, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

Rate of taxing
slaves, &c.

III. *And be it enacted* by the authority aforesaid, That fifty cents per head shall be levied on all slaves ; the sum of two dollars per head on all free negroes, mulattoes, and mestizoes, between the ages of sixteen and fifty years ; and the sum of twenty-five cents on every hundred dollars of the value on all lands, lots and buildings within any city village, or borough ; and fifty cents per centum on all stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best

of their knowledge and information; to be paid in specie or paper medium. A. D. 1799.

IV. *And be it enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property or estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, the Fellowship Society, the estate of the late Doctor De la Howe, devised for charitable purposes, and that part of the real estate of the late Thomas Wadsworth which was devised for the establishment of a school on the Clarendon High Hills of Santee, or Camden Orphan Society, or the Columbia Academy. Slaves employed on Indian lands.


Exceptions.

V. *And be it further enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any young man sent abroad for his education, until he attains the age of twenty-three years; or the property of any person now absent from the United States, unless such person has been absent for one year. Absentees double taxed.

VI. *And be it enacted* by the authority aforesaid, That the enquirers, assessors and collectors appointed by law shall do and perform all and singular the duties of their offices, according to the Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein;" and that on closing their accounts with the treasury, and not before, they shall receive five per cent. on the amount collected, excepting the collectors of St. Philip's and St. Michael's parishes, who shall receive but two and a half per cent. on the same. Compensation of enquirers, assessors, &c.

VII. *And be it enacted* by the authority aforesaid, That the assessors, enquirers, and collectors respectively, shall begin their enquiry on the first day of February next; and that where all the collectors who were appointed for any parish or county are dead, and the tax returns not closed with the commissioners of the treasury, the collector who shall be thereafter appointed is hereby directed and ordered to demand receipts or to administer an oath, or to procure other satisfactory proof from the inhabitants of the county or parish, in order to ascertain whose taxes might be still due, and to enable the public to discover what sums of money might be due by the deceased tax collector; and if the executors or administrators of any deceased tax collector neglect or refuse to produce the accounts of the deceased, or to give all the information in their power on the subject, the treasurers are hereby ordered to proceed according to law against the estates of the deceased tax collectors. Returns of former taxes to be made.

VIII. *And be it enacted* by the authority aforesaid, That all persons in any wise liable to pay the taxes hereby imposed, shall, on the first day of February next, give in a true and just return of all slaves, and of the quality and quantity of all lands, as directed or required by this Act, which they may hold or be intitled unto, either in his, her or their own right, or in the right of any person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever; and shall, on or before the first day of April next, pay their taxes to the collector of that parish, county or district where the party making such return, either by himself or his or her family, may reside the Time of payment of taxes.

A. D. 1799.  greater part of the year. And that the said assessors and collectors shall pay the same, and settle their accounts with the treasury, on the first day of June next.

IX. *And be it enacted* by the authority aforesaid, That it shall be the duty of every tax collector in this State when he makes his general return of taxes, to annex thereto a list of all the taxable property in his district which has come to his knowledge, and is not returned to him, describing such property in the most particular manner he can, and annexing thereto the name or names of the owner or reputed owner or owners of such property.

What shall be received for taxes.

X. *And be it enacted* by the authority aforesaid, That the tax collectors throughout the State shall receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance with gold and silver at the bank of the United States, the branch thereof in Charleston, or the bank of South Carolina, or certificates for the pay of the members of the Legislature, or of the Solicitors, for their attendance on the Legislature.

Land owned by persons out of the State.

XI. And whereas, many large tracts of land within this State have lately been sold in the Northern States and in foreign countries, and the owners thereof are supposed at present to pay no taxes whatever; *Therefore be it enacted* by the authority aforesaid, That it shall be the duty of, and it is hereby enjoined on, all tax collectors to enquire for all such land, and to collect the tax and arrears of tax thereon; and if the said tax and arrears of tax thereon shall not be fully paid at or before the time hereinbefore appointed for the payment of the general tax, then the tax collectors shall forthwith proceed to sell the same, agreeably to the mode prescribed by law for selling the property of those who make default in paying their taxes.

All payments to be at the treasury.

XII. *And be it enacted* by the authority aforesaid, That the treasurers shall not hereafter draw any order or check, or make any draft on any tax collectors in this State, in favor of any person having any claim or demand on the treasury of this State; nor shall the treasurers make payment to any person having any claim upon the State, even though allowed by law and provided for by the Legislature, but at the treasury office at Charleston or at Columbia, except as is provided in the Act entitled "An Act to authorize the treasurers to pay certain persons therein mentioned their annuities, and regulating payment to annuitants." And no tax collector shall receive or take in payment of taxes due by any person any order, draft or check of either of the treasurers.

Blank returns to be furnished.

XIII. *And be it enacted* by the authority aforesaid, That the treasurers in Charleston and Columbia shall procure to be printed so many blank tax returns adapted to the nature of the taxes which the Legislature shall from time to time impose, as will be necessary under this Act; and the said treasurers shall furnish each tax collector in their divisions respectively with so many of the said blanks as will enable him to perform the duties required under this Act. And each and every tax collector shall, and he is hereby authorized and required to, demand and take from each and every person making a tax return, two copies of such return signed and sworn to as the law directs, to be made out on the said blanks.

Return of general tax to be made to the Legislature.

XIV. *And be it enacted* by the authority aforesaid, That it shall be the duty of each and every tax collector throughout the State to make out a duplicate of the general return which he is by law directed to make to the treasurer, and to inclose the same, together with the duplicate of the tax returns by this Act directed to be taken from the individuals of their respective counties and parishes, in a packet directed to the Comptroller sealed up; which packet each and every tax collector is hereby re-

quired to transmit to the treasurers respectively, on or before the first day of October, in each and every year, to the intent that by the due examination thereof by the comptroller, any improper conduct in the tax collectors may be detected. And should any of the tax collectors aforesaid fail to perform the duties required by this and the next preceding clause, he shall forfeit and pay the sum of one hundred dollars, to be recovered of him by any person suing for the same in any court having competent jurisdiction.

A.D.1799.

XV. *And be it enacted* by the authority aforesaid, That it shall be the duty of the treasurers to report to this house at their annual session every instance of default in any tax collector in his division, and to instruct the attorney general or solicitors respectively, to prosecute such defaulter as soon as any instance of default shall occur. And it shall be the duty of the said treasurers respectively, strictly to enforce the means which they are by law authorized to make use of, to compel the tax collectors to the due performance of their duties; and in case any treasurer shall fail to make use of such means, he shall be held to make good any loss which the State shall sustain thereby.

Defaulters, how to be proceeded against.

XVI. *And be it enacted* by the authority aforesaid, That the tax collectors of St. Philip's and St. Michael's, in Charleston, shall, monthly, and on the first Monday in every month, from and after the first day of February next, upon oath, make due and true returns of all monies which shall have been received by them during the preceding month.

In Charleston, returns to be made monthly.

XVII. *And be it enacted* by the authority aforesaid, That if any tax collector or collectors shall make any distinction or discrimination of persons in issuing executions, the taxes of such person (in addition to the lien which the State has on the property of such person,) shall be considered as thereby assumed by such tax collector or collectors; and the treasurers of Charleston and Columbia are directed and enjoined, in their different departments, to debit such tax collector or collectors, so misbehaving, with all such arrearages of tax, and to issue execution therefor immediately against each and every of them, and to lodge such execution with the sheriff of the district in which such collector or collectors reside or shall have property. And if any sheriff or sheriffs, in whose hands such execution shall be lodged, shall make any distinction or discrimination of persons, in levying the said executions, or shall retain the same for a longer time than two months, without making a return of the same, he is hereby made chargeable with the said executions in addition to the liability of the collectors and individuals so originally in arrear for taxes as aforesaid.

Tax collectors to make no discrimination.

XVIII. *And be it enacted* by the authority aforesaid, That no person holding any office of profit under this State, or having any demand against this State, shall be entitled to receive any sum of money which may be due to him from the State until his taxes are first paid and satisfied; and the treasurers are hereby positively directed, before they shall pay to any person holding any office of profit or having such demand, the sum that may be due to him, to require of him a receipt from the tax collector where such person resides or ought to pay his tax, stating that his taxes are paid and satisfied. And upon neglect or refusal of any person holding any such office or having such demand, to produce such receipt, the treasurers are hereby directed not to pay such person the sum or sums of money which may be due to him, until satisfactory proof is made to them that such taxes have been paid, or the parties agree to discount the same. And if the treasurer should pay to any person holding any office or having any demand as aforesaid, any sum which may be due to him, without having such receipt produced or discount made as is above required, he is hereby declared to be liable for all losses which may arise to the State therefrom.

Taxes to be discounted from creditors of the State.

A. D. 1799.

Time of pay-
ment of taxes.

XIX. *And be it enacted* by the authority aforesaid, That the instalment of the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid by the Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and five; but all the interest to become due on the said paper medium shall be annually paid in, and when received shall be destroyed by burning, under the inspection of a committee of the Legislature: Provided always nevertheless, that no person shall be entitled to the benefit of this clause who shall not give an additional security, if required by the treasurer of Charleston, in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which may be made in paying the interest to grow due in March next.

Poor tax.

XX. *And be it enacted* by the authority aforesaid, That the tax collectors throughout this State, in their several parishes and election districts respectively, shall be, and they are hereby, authorized and directed to collect the poor tax in their several parishes and election districts; and they shall be allowed the usual commissions for so doing.

Copies of this
Act to be fur-
nished.

XXI. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act to each of the collectors appointed by law throughout this State, within one month after the passing of this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

Magazine
guard.

XXII. *And be it enacted* by the authority aforesaid, That the pay hereinafter to be provided for the support and maintenance of the magazine guard, be restricted to that of the pay of an officer, a sergeant and six men; and that the sum of fifteen hundred dollars be, and the same is hereby, appropriated for the payment of the said guard, under the direction of the comptroller.

No banking to
be allowed on
the paper me-
dium.

XXIII. *And be it enacted* by the authority aforesaid, That from and after the first day of July next, no person or company shall, on any pretence whatever, issue or re-issue any note or notes in the nature of bank notes, or otherwise, on the credit of the paper medium of the State; and such notes aforesaid as may now be in circulation, bottomed on the paper medium, shall be immediately called in; and the treasurers and tax collectors are hereby forbidden, under the penalty of losing their offices and forfeiting the sum of one thousand dollars, from receiving such notes as herein mentioned, in payment of taxes or duties; and every bank, or persons associated as bankers, issuing or re-issuing such notes, shall forfeit and pay the sum of ten thousand dollars, which shall be recovered by action in any of the courts of law in this State. And that it shall be the duty of the comptroller to enquire into and examine whether such notes are in circulation, and give information accordingly to the attorney general, whose duty it shall be to bring suit or suits accordingly.

Public arms to
be distributed.

XXIV. *And be it enacted* by the authority aforesaid, That all the public arms which now are or hereafter shall be purchased on behalf of this State, shall, by order of his Excellency the Governor, be equally distributed among the several brigades of the militia of the State; and that the several and respective brigadier generals shall and may allow the said arms to be sold for costs and charges among the men of his brigade, and cause the money arising from such sale to be paid into the treasury, to be appropriated for the purchase of other arms, to be distributed in manner aforesaid: Provided nevertheless, that no one man shall be permitted to

purchase more than what shall be sufficient to arm himself of the arms aforesaid.

A. D. 1799.

XXV. Whereas, there are many wealthy citizens of this State who derive very considerable revenues from monies which produce an interest, and who do not contribute a due proportion to the public exigencies of the same; *Be it therefore enacted* by the authority aforesaid, that each and every enquirer, assessor and collector throughout this State shall, on their enquiry for the returns of the taxes of this State for the year one thousand seven hundred and ninety-nine, administer the following oath to all such persons as may be liable to pay the same, viz: "I, A. B., do solemnly swear (or affirm, as the case may be,) that the account which I now give in is a just and true account of the quantity and quality of the lands and number of slaves, and the sum or sums of money which have produced me an interest since the first day of October, one thousand seven hundred and ninety-nine, in any manner whatsoever, which I am possessed of, interested in, or entitled to, either in my own right or the right of any other person whomsoever, either as guardian, executor, attorney, agent or trustee, or in any other manner whatsoever, according to the best of my knowledge or belief; and that I will give a just and true answer, according to the best of my knowledge, to all questions that may be asked me touching the same; and this I swear without any equivocation or mental reservation whatsoever, so help me God:" and upon every sum or sums of money at interest over and above what such person pays interest for, except where such interest money is received by any widow or orphan having no other means of livelihood, and shall not exceed one thousand dollars, the said enquirer, assessor or collector, or enquirers, assessors or collectors, to whom the same shall be returned, shall assess the sum of twenty-five cents per cent. on every hundred dollars, to be recovered in like manner in case of default as the collectors are authorized by law heretofore to do on the return of lands and slaves.

Tax on money
at interest.

XXVI. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall refuse or neglect to make the return of his, her or their monies producing interest as aforesaid, they shall be liable to suffer the same forfeitures and pay the same penalties as are authorized by law in case of their refusing or neglecting to make his, her, or their return of lands and slaves.

Penalty.

XXVII. *Be it further enacted* by the authority aforesaid, That the several and respective tax collectors in this State shall place their warrants against any person or persons who shall make default of payment of their taxes, for collection in the hands of the sheriff of the districts respectively, and in the hands of no other person or persons whomsoever; and the sheriffs shall be entitled on the service of such warrants to the usual mileage on the service of executions.

Sheriffs to col-
lect tax execu-
tions.

XXVIII. *And be it further enacted* by the authority aforesaid, That John S. Cripps, Esq. foreign agent, be authorized and required, in the name of the State, within thirty days after the passing of this Act, to draw bills at sight for the money appropriated for the payment of the debt due to Stuckhuyser, and now lying in the hands of Simpson & Davidson of London; and that the said money be lodged in the treasury of this State; and also for the sum of forty thousand dollars granted in the year one thousand seven hundred and ninety-seven, remitted to England for the purchase of arms; and that the said sum of forty thousand dollars be deposited in the treasury subject to the governor's orders, for the purchase of arms; provided the said sum shall not have been already applied to that purpose on behalf of the State.

A. D. 1799.

ESTIMATE NO. I.

The Governor,	-	-	-	-	-	-	\$2,572 00
Secretary to the Governor,	-	-	-	-	-	-	430 00
Six Judges of the Superior Court of Law, each \$2,572,	-	-	-	-	-	-	15,432 00
Three Judges of the Court of Equity, each \$2,144,	-	-	-	-	-	-	6,432 00
Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, in addition to his other duties,	-	-	-	-	-	-	860 00
Three Circuit Solicitors, \$500 each,	-	-	-	-	-	-	1,500 00
Treasurer in Charleston, for salary as Treasurer, and for transacting the business of the Loan Office, and Clerk,	-	-	-	-	-	-	2,058 00
Treasurer in Columbia, for his salary,	-	-	-	-	-	-	1,290 00
Clerk to the Treasurer in Columbia,	-	-	-	-	-	-	400 00
Clerk to the Senate, and Clerk to the House of Representatives, each \$1230,	-	-	-	-	-	-	2,460 00
Two Messengers, each \$216,	-	-	-	-	-	-	432 00
Two Doorkeepers, each \$216,	-	-	-	-	-	-	432 00
Keeper of the State House, &c. at Columbia, his salary, fixed at \$130,	-	-	-	-	-	-	130 00
Arsenal keeper and Powder receiver in Charleston,	-	-	-	-	-	-	216 00
Ditto Ditto ditto at Abbeville Court House,	-	-	-	-	-	-	50 00
State Printer's salary,	-	-	-	-	-	-	1,158 00
Expenses of the members of the Legislature for the present session,	-	-	-	-	-	-	7,000 00
Pilot for the bar and harbor of Georgetown,	-	-	-	-	-	-	322 00
Port Physician,	-	-	-	-	-	-	600 00
Nine Brigade Inspectors, each \$216,	-	-	-	-	-	-	1,944 00
Clerk of the Court at Columbia,	-	-	-	-	-	-	140 00
Adjutant General,	-	-	-	-	-	-	1,500 00
Comptroller,	-	-	-	-	-	-	2,000 00
For Clerk to Comptroller, and stationary,	-	-	-	-	-	-	500 00
Arsenal keepers and powder receivers for Camden, Georgetown and Beaufort, each \$50,	-	-	-	-	-	-	150 00
Sheriff of Richland, for attending on the Court at Columbia,	-	-	-	-	-	-	60 00

ESTIMATE NO. 2.

Contingent accounts of the lower division of the Treasury, payable by the Treasurer in Charleston,	-	-	-	-	-	-	6,343 00
Contingent accounts of the upper division of the Treasury, payable by the Treasurer in Columbia,	-	-	-	-	-	-	6,788 27
Transient poor, payable to the City Council of Charleston,	-	-	-	-	-	-	4,280 00
Contingent fund, subject to the Governor's draft,	-	-	-	-	-	-	4,300 00
Rev. Mr. Dunlap, for preaching before the Legislature,	-	-	-	-	-	-	90 00
Annuities,	-	-	-	-	-	-	4,500 00
For building Court Houses and Goals in twenty districts, each \$5,000,	-	-	-	-	-	-	100,000 00
For repairs to the Court House and Gaol for Georgetown district,	-	-	-	-	-	-	1,500 00
Do. do. for Orangeburgh district,	-	-	-	-	-	-	800 00
Do. do. for Beaufort district,	-	-	-	-	-	-	500 00
Do. do. for Camden district,	-	-	-	-	-	-	1,490 00
For repairs to the Treasurer's and Secretary's office, Charleston,	-	-	-	-	-	-	2,000 00
Do. do. Treasurer's office in Columbia and the state house,	-	-	-	-	-	-	2,000 00
George Keckley,	-	-	-	-	-	-	122 45
Daniel Evans, \$12 86 cents, Peter S. Arthur, \$11 50 cents, Geo. and R. Heriot, \$25,	-	-	-	-	-	-	49 36
Magazine Guard for Charleston in 1798,	-	-	-	-	-	-	2,700 00
For Martha Fleming, administratrix of John Fleming, for damages recovered of him in North Carolina,	-	-	-	-	-	-	111 50
For Andrew Adams, a disabled soldier,	-	-	-	-	-	-	22 00
For James Douglass, for work done to the representatives room,	-	-	-	-	-	-	365 08

For John Langton, for preparing an Index to the Register's book in Georgetown,	200 00	A. D. 1799.
For Colleton Goal and Court House, - - - - -	10,300 00	
For Henry Geddes, for verdict obtained in his favor against Treasurers,	\$318 40	
For printing additional copies of laws of 1798, a sum not exceeding	400 00	
For John Destaux, for negro executed, - - - - -	122 40	
For Joshua Cantor, for a negro executed, - - - - -	122 45	
For Beaufort Society, \$2100—with interest, agreeably to law of 21st December 1792, in regard thereof.		

XXIX. *And be it enacted* by the authority aforesaid, That the several sums hereinafter mentioned shall be appropriated for the several purposes following, to wit: for defraying the expenses of the civil list, as per Estimate No. 1 herein before mentioned, a sum not exceeding fifty thousand two hundred dollars; for defraying the contingent and extraordinary expenses of government, as per Estimate No. 2, herein before mentioned, a sum not exceeding one hundred and forty thousand dollars; and that the said several sums shall be paid out of the funds following, namely: the general taxes of the State, such balance of interest as shall remain to this State on the debt due by the United State, after paying the interest due on the funded debt of this State, and the amount that may be paid on the principal of the debt due to this State by the United States, and all arrears of debts, duties and taxes whatsoever payable to this State, and not otherwise appropriated.

XXX. *And be it further enacted* by the authority aforesaid, That whatever balance may remain in the treasury of this State, after paying the appropriations above mentioned, shall be applied as hereinafter directed, to the purchase or redemption of the funded debt of this State.

In the Senate House, the twenty first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, and in the twenty-fourth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

WM. JOHNSON, Jr. *Speaker of the House of Representatives.*

AN ACT to establish certain Roads and Ferries; and for other purposes therein mentioned. No. 1739.

(Passed December 20, 1800. *See last volume.*)

AN ACT further to revive and extend an Act entitled "An Act to prohibit the importation of Negroes until the first day of January, one thousand seven hundred and ninety-nine, until the first day of January, one thousand eight hundred and one," to the first day of January, one thousand eight hundred and three. No. 1740.

(Passed December 20, 1800. *See last volume.*)

A. D. 1800.

No. 1741.

AN ACT to incorporate the Georgetown Library Society.

(Passed December 20, 1800. See last volume.)

No. 1742. AN ACT FOR ALTERING AND AMENDING AN ACT PASSED THE 16th DAY OF DECEMBER, 1797, ENTITLED "*An Act for opening the Navigation of Saluda River.*"

Preamble.

WHEREAS, the death and removal of several of the commissioners named in the said Act, have rendered it almost impracticable to form boards or meetings to carry the purposes of the same into effect; and whereas, the confining of the commissioners to distinct limits on the said river, in clearing the same, as far as relates to that space from the mouth of the said river to the old Indian boundary line, will impede the progress of this very beneficial measure:

Commissioners
appointed for
clearing the
Saluda river.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Samuel Mays, Thomas Anderson, Major William Moore, Joseph Kennedy, Alexander Boling Stark, Luke Smith, Francis Huggins, Elisha Brooks, John Dyser, William Calk, Julius Nichols, Jr., Elihu Creswell, John Cunningham, Joel Lepsecomb, James Dyson, Robert Creswell, John Hunter, John Meriwether, sen. James Goudy, James M'Cracken, Thomas Willoughby Waters, James Caldwell and William Caldwell, be, and they are hereby appointed, commissioners for the purpose of clearing out and making navigable Saluda river, from the mouth thereof as far up as the old Indian boundary line.

Vacancies, how
to be filled.

II. *And be it further enacted* by the authority aforesaid, That in case of the death, removal or resignation of any one or more of the said commissioners, that it shall and may be lawful for the remainder of the said commissioners, and they are hereby authorized and empowered, to fill up any such vacancy or vacancies, at any one of their boards or meetings. Provided, that there be at such board or meeting thirteen commissioners present.

Seven to be a
quorum.

III. *And be it further enacted* by the authority aforesaid, That seven commissioners shall constitute a quorum to effect the purposes of the said Act.

Part of former
Act repealed.

IV. *And be it further enacted* by the authority aforesaid, That the first clause of the said Act, as far as relates to clearing and making navigable Saluda river, from the mouth thereof to the old Indian boundary line, be, and the same is hereby, repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred, and in the twenty-fifth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

A. D. 1800.

No. 1743.

AN ACT TO AUTHORIZE AND OBLIGE THE KEEPERS OF GAOLS IN THIS STATE TO RECEIVE, AND KEEP IN SAFE CUSTODY, ALL PRISONERS COMMITTED UNDER THE AUTHORITY OF THE UNITED STATES; AND TO OBLIGE SHERIFFS TO PROVIDE BLANKETS FOR CRIMINALS CONFINED IN THEIR RESPECTIVE GAOLS.

WHEREAS, the Congress of the United States, at their session begun and holden on the fourth day of March, Anno Domini one thousand seven hundred and eighty-nine, did resolve that it be recommended to the Legislatures of the several States to pass laws making it expressly the duty of the keepers of their gaols to receive, and safe keep therein, all prisoners committed under the authority of the United States, until they shall be discharged by due course of the laws thereof, under the like penalties as in case of prisoners committed under the authority of such States respectively; the United States to pay for the use and keeping of such gaols at the rate of fifty cents per month, for each prisoner that shall, under their authority, be committed thereto, during the time such prisoner shall therein be committed; and also to support such of said prisoners as shall be committed for offences: And whereas, the Legislature of this State have full confidence that the Congress of the United States will make provision for the support of poor prisoners committed for debt, as otherwise the humanity of the people of this State will be taxed to supply their necessities, which may become expensive and burthensome:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the keepers of gaols in the several districts throughout this State be, and they are, required and directed to receive into their several and respective gaols all such prisoners as shall be committed to such gaols, or any of them respectively, under the authority of the United States, and there to keep in safe custody all such prisoners which are or shall be so committed, until they shall be discharged by due course of the laws of the United States; under the like penalties as in case of prisoners committed under the authority of this State, and upon the terms expressed in the resolution of Congress aforesaid.

U.S. prisoners,
how to be
confined.

II. *And be it enacted* by the authority aforesaid, That every sheriff shall provide, at the expense of the State, a sufficient number of blankets for the use of the prisoners confined in their respective gaols; and that every prisoner so confined, on a criminal charge, shall be furnished with at least two blankets during the winter season.

Blankets to
criminals.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred, and in the twenty-fifth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the
House of Representatives.*

A.D. 1800.

No. 1744. AN ACT to prevent Negro Slaves, and other persons of colour, from being brought into or entering this State.

(Passed December 20, 1800. *See last volume.*)

No. 1745. AN ACT respecting Slaves, Free Negroes, Mulattoes and Mestizoes; for enforcing the more punctual performance of Patrol duty; and to impose certain restrictions on the emancipation of Slaves.

(Passed December 20, 1800. *See last volume.*)

No. 1746. AN ACT TO LEGALIZE THE SEVERAL JURIES DRAWN AT THE LAST CIRCUIT COURT AT CHESTER DISTRICT, TO SERVE AT THE NEXT SPRING CIRCUIT; AND TO PRESCRIBE THE MODE OF GIVING THE PROCEEDINGS OF THE LATE COUNTY COURTS IN EVIDENCE IN THE COURTS OF LAW AND EQUITY IN THIS STATE.

Preamble. WHEREAS, at the last circuit court held at Chester court house, in and for the district of Chester, the juries drawn to serve at the next Spring circuit court, in the courts of general sessions and common pleas in that district, were not drawn according to law, owing to the indisposition of the judge who presided there on the last circuit, who, not having been able to reach the court house in time to draw the said juries, the same were drawn by an infant under the age prescribed by law, in the presence of the clerk and sheriff of the said district only; in order, therefore, to remedy and avoid the inconveniencies and evils that may arise from such proceedings, and to render legal the juries so drawn:

The juries drawn declared lawful.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the juries so drawn as aforesaid, by the clerk and sheriff, without the presence of the judge presiding on that circuit, are hereby declared, to all intents and purposes, lawful juries, to sit, try and determine all matters in the said courts for the said district, at the next spring circuit, that may be brought before them respectively; and that no challenge, either to the array, the pannel or the poll, shall be admitted against such juries, or any of them, on account of their having been drawn in the manner they were; any act, matter, clause, usage, custom or law, to the contrary notwithstanding.

Clerks and sheriffs may draw juries.

II. *And be it further enacted* by the authority aforesaid, That whenever it shall so happen that none of the judges of the courts of common law in this State shall attend and hold any court of any district in this State, during the time appointed by law for the holding of such court, then and in every such case it shall and may be lawful to and for the clerk and sheriff of such district to draw, in open court, and in the presence of one

justice of the peace, on the last day of the term, the necessary juries for the next sitting of such courts, in manner and form as is or may be by law provided; which juries shall be adjudged as good and valid in law to all intents and purposes whatsoever.

A. D. 1500.

III. Whereas, the times fixed by law for the holding and sitting of the court of equity in Charleston is inconvenient; for remedy whereof, *Be it enacted* by the authority aforesaid, That the sitting and holding of the court of equity for the district composed of the united districts of Charleston, Colleton and Beaufort, at Charleston, shall be on the fourth Monday in April, and second Monday in October, in every year, in lieu of the days heretofore appointed by law.

Court of equity for Charleston, Colleton and Beaufort, when to sit.

IV. Whereas, considerable irregularities, incidental to courts of inferior jurisdiction, have crept into the proceedings of the county courts formerly established, and lately abolished, in this State; and whereas, great losses, expenses und delays, may accrue to many of the citizens of this State thereby: for remedy whereof, *Be it further enacted* by the authority aforesaid, That all the proceedings in the said county courts shall be deemed, held and taken as firm in law as if the proceedings had been conducted and carried on according to the method prescribed by the acts relating to county courts, or those relating to the proceedings of any of the superior courts of law in this State; and that a transcript from the minute books of such courts shall be good and legal evidence in all trials in any of the courts of law or equity in this State, when it may be necessary to give such proceedings in evidence. Provided, that such transcript be regularly and duly certified under the hand of, and sworn to by, the clerk or keeper of the said proceedings and records of the county courts so abolished, who hath, by law, the custody thereof; any law, usage or custom to the contrary notwithstanding.

Irregular proceedings of the county courts made good in law.

V. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to and for any two justices, whereof one shall be of the quorum, to administer to any person the oath or oaths of office, which is, are, or may be required by law to be taken by such person; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Two justices to administer oaths of office.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred, and in the twenty-fifth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT TO ENTITLE THE SEVERAL PERSONS THEREIN MENTIONED TO No. 1747.

RECEIVE FROM THE TREASURY CERTAIN SUMS THEREIN SPECIFIED, AS PENSIONERS.

I. *Be it enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Major Brown, widow of Joseph Chandler Brown, together with her four children, and Ava Culliat, widow of Adam Culliat, and her child, now an infant, shall respectively be entitled to receive, each of them, from the treasury of this State, twenty-one dollars and thirty cents, for

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every year during the widowhood of the said widows; and nine dollars each year, for each and every of their said children, until they shall respectively arrive to the age of twelve years, should they so long live.

II. *And be it further enacted* by the authority aforesaid, That Thomas Miller, Andrew M'Allister, and Michael Finney, Paul Smith and John Pollock, Jr. shall respectively be entitled to receive, from the treasury of the State, an annual pension of twenty-one dollars and thirty cents, during the term of their natural lives.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred, and in the twenty-fifth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLIARD, *Speaker of the House of Representatives.*

No. 1748.

AN ACT in addition to the Militia Laws of this State.

(Passed December 18, 1799. *See last volume.*)

No. 1749. AN ACT TO ALTER AND AMEND AN ACT ENTITLED "*An Act to prevent certain Streets in Beaufort from being stopped or obstructed,*" AND TO RESTRICT THE OWNERS OF LOTS ON THE FRONT OF THE SAID STREETS FROM BUILDING THEREON.

Preamble.

WHEREAS, the Act for preventing certain streets in Beaufort from being obstructed, passed the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-eight, has never been carried into effect, and is found to operate injuriously to certain citizens owning lots on the bay of the said town, opposite to the streets, inasmuch as they have built, at considerable expense, certain wharves and houses thereon, previously to the passing the said Act: And whereas, it is the wish and desire of several of the citizens of the said town to retain their right to the said lots, and not to receive compensation therefor, as directed by the said Act: And whereas, it is conceived that this privilege would meet the approbation of the citizens of the said town; provided, the owners of such lots, who prefer the retaining the said lots to receiving compensation therefor, be restricted from erecting any buildings thereon, and be confined to improve the same merely as wharves:

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Act, to prevent certain streets in Beaufort from being stopped or obstructed, passed on the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-eight, be, and the same is hereby, repealed, so far as it relates to such persons as are willing and desirous to retain their right to lots opposite

A former Act
repealed.

the streets in the town of Beaufort, and not to receive compensation therefor, as directed by the said Act of Assembly, passed the twenty-first day of December, one thousand seven hundred and ninety-eight; upon the express condition that they shall signify such their intention within six months from and after the passing of this Act, in writing, to the commissioners of the streets; and shall hereafter be restricted, for ever, from erecting any buildings thereon; and shall be, and are hereby, confined to making no other improvements thereon than wharves, so as to leave the heads of said streets open and unobstructed.

A. D. 1800.



In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred, and in the twenty-fifth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT TO PREVENT THE OBSTRUCTION TO THE PASSAGE OF FISH UP No. 1750.
SALUDA RIVER.

WHEREAS, sundry persons, inhabitants of Pendleton and Greenville districts, as by their petition to the Legislature is set forth, have experienced great inconveniencies by the obstruction to the passage of fish up Saluda river; for remedy whereof,

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every person who hath, or may hereafter erect, any dam, ledge, or other obstruction, across Saluda river, or any part thereof, shall, by the first day of March next, provide a good and sufficient slope, at least sixty feet wide, for the passage of fish up the said river; and upon neglect thereof shall forfeit and pay to any person who shall inform and sue for the same, before any justice of the peace, the sum of twenty dollars for every twelve hours during which such obstruction shall continue after the time aforesaid.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred, and in the twenty-fifth year of American Independence.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT to incorporate the John's Island Society, of the Parish of No. 1751.
St. John's, Colleton.

(Passed December 20, 1800. *See last volume.*)

A. D. 1800.

No. 1752. *AN ACT TO ESTABLISH AN INSPECTION AND WAREHOUSES AT THE PLACES THEREIN MENTIONED.*

Preamble.

WHEREAS, it hath been represented to the Legislature by the petition of sundry inhabitants of Pendleton district, that it would tend very much to their convenience and the public good, to have an inspection and warehouse for tobacco established at the confluence of Little Generostee and Savannah river, and also at the confluence of Savannah and Kewee rivers :

Inspection established at the mouth of Little Generostee creek, on Savannah river.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an inspection, and one or more warehouses for the storage of tobacco, shall be established and erected at or near the mouth of Little Generostee creek, on Savannah river, on the lands of David Moffatt, as soon as conveniently may be after the passing of this Act ; which inspection shall be subject to all the regulations, restrictions and conditions set forth and expressed in and by an Act entitled "An Act for regulating the inspection and exportation of tobacco," passed the thirtieth day of March, one thousand seven hundred and eighty-nine.

Commissioners appointed.

II. *And be it enacted* by the authority aforesaid, That John Moffatt, Alexander White, Leonard Simpson, Nathan Lusk and Moses Liddle, shall be, and they are hereby appointed, commissioners to fix upon the most convenient place at or near the mouth of the said Little Generostee creek, for the purposes aforesaid ; and that they shall have full power to choose one or more inspector or inspectors for the said inspection, and make such additional rules and regulations to those prescribed by the aforesaid Act, as by them may be deemed expedient and necessary.

Inspection established at the confluence of Toogalo and Kewee rivers.

III. *And be it enacted* by the authority aforesaid, That an inspection and warehouse for the inspection of tobacco, shall be erected at the confluence of Toogalo and Kewee rivers, on the lands of Samuel Earle ; and that Major Thomas Farrar, Obadiah Trice, John Thomas Stribbling, John Giest, and Samuel Earle, be, and they are hereby appointed, commissioners of the said inspection, and that they shall have full power and authority to choose one or more inspector or inspectors for the said inspection, and make such rules and regulations as by them may be deemed necessary and expedient ; and that the said inspection shall be subject to the regulations, restrictions and conditions of the aforementioned Act, passed the thirteenth day of March, one thousand seven hundred and eighty-nine.

Inspection established at Winstonsboro'.

IV. *And be it enacted* by the authority aforesaid, That an inspection, and one or more warehouses, for the inspection and storage of tobacco, shall and may be established in the village of Winstonsborough, as soon as conveniently may be after the passing of this Act ; which inspection shall be subject to all the regulations and restrictions set forth and expressed in and by the aforesaid Act entitled "An Act for regulating the inspection and exportation of tobacco," passed the thirteenth day of March, one thousand seven hundred and eighty-nine.

Commissioners appointed.

V. *And be it enacted* by the authority aforesaid, That John Bell, John Harrison, Jesse Havis, Nicholas Peay and Robert Ellison be, and they are hereby appointed, commissioners to fix upon the most proper and convenient place in the said village of Winstonsborough, on which to build the same, and to superintend the erection and building of the said inspection and warehouses, and shall have full power and authority to choose one or more inspector or inspectors for the said inspection, and to make such

by-laws and regulations respecting the same (not repugnant to the aforesaid Act,) as by them may be deemed necessary and expedient. A. D. 1800.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred, and in the twenty-fifth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE TREASURER TO FUND A CERTIFICATE No. 1753.
THEREIN MENTIONED.

WHEREAS, the honorable Thomas Bee has petitioned the Legislature, setting forth, that on the twenty-seventh day of September, in the year of our Lord one thousand seven hundred and ninety-eight, he obtained from Simeon Theus, Esq., late treasurer and loan officer, a certificate for the sum of eight hundred and twenty-eight dollars, eighty-eight cents, which he has neglected to have funded according to the requisitions of law :

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the treasurer in Charleston, and he is hereby authorized, to fund the above mentioned certificate, conformably to the Acts of the General Assembly of this State for making provision for the domestic debt of this State, and deliver the same, so funded, to the said Thomas Bee.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred, and in the twenty-fifth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT FOR THE BENEFIT OF JANE SOMMERVILLE.

No. 1754.

WHEREAS, Jane Sommerville, by her petition to the legislature, hath represented, that she is the natural daughter of a certain James Sommerville, late of Lancaster county in this State, who died some years ago intestate, and without heirs, leaving a small personal estate, subject to the law concerning escheats; representing also her indigent condition, and praying that the residue of the said estate, after payment of all just demands against the same, may be vested in her; and whereas, all the escheated property in the said county, now district, of Lancaster, which hath escheated to this State, hath been vested in certain trustees for the purpose of endowing and supporting a school, by an Act passed the twenty-first day of December last; and whereas, it hath been further represented, that the said

Preamble.

A. D. 1800.

trustees are willing and desirous that the said Jane Sommerville should have the benefit of the residue of the estate aforesaid, if the same can be legally transferred to her; therefore,

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and it is hereby enacted by the authority of the same, That it shall be lawful to and for the Reverend John Brown, Doctor Samuel C. Dunlap, Jr. John Ingram, John Montgomery and William Nesbit, the trustees appointed for the purpose aforesaid, or any three of them, to convey to the said Jane Sommerville the residue of the estate of the said James Sommerville, deceased, remaining after payment of all just demands against the same, for the use and benefit of the said Jane Sommerville and her heirs.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred, and in the twenty-fifth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

No. 1755. *AN ACT* TO RAISE SUPPLIES AND MAKE APPROPRIATIONS FOR THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State for the use and service thereof.

Rate of taxation
on lands.

II. *And be it further enacted* by the authority aforesaid, That twenty-five cents per centum ad valorem shall be paid in specie or paper medium on all lands granted within this State, under the several regulations hereinafter expressed, that is to say: Class No. 1 shall contain all tide swamp of the first quality, not generally affected by the salts or freshes, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by salts or freshes, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshes, which shall be rated at eight dollars and one half per acre; all pine barren lands adjoining such swamps, and having the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight and one half dollars per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; pine barren land, adjoining or contiguous thereto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second

A. D. 1800.

low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality of which shall be rated at thirteen dollars per acre; the second quality at eight and one half dollars per acre; and the third quality at four dollars per acre; excepting such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamp and low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands on the Sea islands, (Stann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, indigo or cotton, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, and the new boundary line on Pedee, and not included in the limits or description of the two next preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in the classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one and a half dollar per acre; the second quality, at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality, at sixty cents per acre; and the third quality, at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

III. *And be it further enacted* by the authority aforesaid, That fifty cents per head shall be levied on all slaves; two dollars per head on all free negroes, mulattoes, and mestizoes, between the ages of sixteen and fifty years; and twenty-five cents ad valorem on every hundred dollars of the value of all lands, lots and buildings within any city, village, or borough; and fifty cents per centum on all stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in specie or paper medium.

IV. *And be it further enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property or the estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, or the Fellowship Society, or the estate of the late Doctor De la Howe, devised for charitable purposes, and that part of the real estate of the late Thomas Wadsworth which was devised for the establishment of a school on the

Rate of taxing
slaves, &c.Slaves employ-
ed on Indian
lands.

Exceptions

A. D. 1800. *Clarendon High Hills of Santee, or Camden Orphan Society, or the Columbia Academy.*

Absentees double taxed.

V. *And be it further enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any young man sent abroad for his education, until he attains the age of twenty-three years; or to the property of any person now absent from the United States, unless such person has been absent for one year.

Powers and compensation of enquirers, assessors, &c.

VI. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors appointed by law shall do and perform all and singular the duties of their offices, according to the Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein;" and that on closing their accounts with the treasury, and not before, they shall receive five per cent. on the amount collected, excepting the collectors of St. Philip's and St. Michael's parishes, who shall receive in like manner two and an half per cent.

Returns of former taxes to be made.

VII. *And be it further enacted* by the authority aforesaid, That the assessors, collectors and enquirers, respectively, shall begin their enquiry on the first day of February next; and where all the collectors who were appointed for any parish or county are dead, and the tax returns not closed with the commissioners of the treasury, the collector who shall be thereafter appointed is hereby directed and ordered to demand receipts or administer an oath, or to procure other satisfactory proof from the inhabitants of the county or parish, in order to ascertain whose taxes might be still due, and to enable the public to discover what sums of money might be due by the deceased tax collectors; and if the executors or administrators of any deceased tax collector neglect or refuse to produce the accounts of the deceased, or to give all the information in their power on the subject, the treasurer is hereby ordered to proceed according to law against the estates of the deceased tax collectors.

What shall be received for taxes.

VIII. *And be it further enacted* by the authority aforesaid, That the tax collectors throughout the State shall receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance in gold and silver at the bank of the United States, the branch bank thereof in Charleston, or the bank of South Carolina, or certificates for the pay of the members of the Legislature, or of the Solicitors, for their attendance on the Legislature.

Time of payment of taxes.

IX. *And be it further enacted* by the authority aforesaid, That all persons in any wise liable to pay the taxes hereby imposed, shall, on or before the first day of March next, give in a true and just return of all slaves, and of the quality and quantity of all lands, as directed and required by the Act, which they may hold or be entitled unto, either in his, her or their own right, or in the right of any person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever; and shall, on or before the first day of April next, pay their taxes to the collector of that collection district where the party making such return, either by himself or his or her family, may reside the greater part of the year. And that the said assessors and collectors shall pay the same, and settle their accounts with the treasury, on the first day of June next.

X. *And be it further enacted* by the authority aforesaid, That it shall be the duty of every tax collector in this State when he makes his general return of taxes, to annex thereto a list of all the taxable property in his district which has come to his knowledge, and is not returned to him, describing such property in the most particular manner he can, and annexing thereto the name or names of the owner or reputed owner or owners of such property.

A. D. 1800.

Property not returned.

XI. *And be it further enacted* by the authority aforesaid, That every person who shall make any return of any taxable property to any of the tax collectors of this State, shall specify in such return not only the parish or district in which the lands returned are situated, but also the parish or district in which any slaves returned are employed or reside.

XII. And whereas, enormous tracts of land within this State have lately been sold in the Northern States and in foreign countries, and the owners thereof are supposed at present to pay no tax whatever; *Be it therefore enacted* by the authority aforesaid, That it shall be the duty of, and it is hereby enjoined on, all tax collectors to enquire for all such land, and to collect the tax and arrears of tax thereon; and if the taxes thereon and the arrears of taxes thereon shall not be paid at or before the time hereinbefore appointed for the payment of the general tax, then the tax collectors shall forthwith proceed to sell the same, agreeably to the mode prescribed by law for selling the property of those who make default in paying their taxes.

Land owned by persons out of the State.

XIII. *And be it further enacted* by the authority aforesaid, That the treasurers shall not hereafter draw any order or check, or make any draft on any tax collector in this State, in favor of any person having any claim or demand on the treasury of this State; nor shall the treasurers make payment to any person having any claim upon the State, even though allowed by law or provided for by the Legislature, but at the treasury office at Charleston or Columbia, except as is provided in the Act entitled "An Act to authorize the treasurers to pay certain persons therein mentioned their annuities, and regulating payment to annuitants." And no tax collector shall receive or take in payment of taxes due by any person any order, draft or check of either of the treasurers.

All payments to be at the treasury.

XIV. *And be it further enacted* by the authority aforesaid, That the treasurers in Charleston and Columbia shall procure to be printed so many blank tax returns adapted to the nature of the taxes which the Legislature shall from time to time impose, as will be necessary under this Act; and the said treasurers shall furnish each tax collector in their divisions respectively with so many of the said blanks as will enable him to perform the duties required by this Act. And each and every tax collector shall, and he is hereby authorized and required to, demand and take from each and every person making a tax return, two copies of such return, signed and sworn to as the law directs, to be made out on the said blanks, of all the property owned by him, her or them, on the first day of October last.

Blank returns to be furnished.

XV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of each and every tax collector throughout the State to make out a duplicate of the general return which he is by law directed to make to the treasurer, and to inclose the same, together with the duplicate of the tax returns by this Act directed to be taken from the individuals of their respective counties and parishes, in a packet directed to the comptroller and sealed up; which packet each and every tax collector is hereby required to transmit to the treasurers respectively, on or before the first day of October, in each and every year, to the intent that by the due examination thereof by the comptroller, any improper conduct in the tax collectors may be detected. And should any of the tax collectors aforesaid fail to

Return of general tax to be made to the Legislature.

A. D. 1800.

Defaulters, how
to be proceeded
against.

perform the duties required by this and the next preceding clause, he shall forfeit and pay the sum of one hundred dollars, to be recovered of him by any person suing for the same in any court having competent jurisdiction.

XVI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers to report to this house at their annual session every instance of default in any tax collector in his division, and to instruct the attorney general or solicitors respectively, to prosecute such defaulter, as soon as any instances of default shall occur. And it shall be the duty of the said treasurers respectively, strictly to enforce the means which they are by law authorized to make use of, to compel the tax collectors to the due performance of their duties; and in case any treasurer shall fail to make use of such means, he shall be held to make good any loss which the State shall sustain thereby.

In Charleston,
returns to be
made monthly.

XVII. *And be it further enacted* by the authority aforesaid, That the tax collectors of St. Philip's and St. Michael's, in Charleston, shall, monthly, and on the first Monday in every month, from and after the first day of March next, upon oath, make due and true returns of all monies which shall have been received by them during the preceding month.

Tax collectors
to make no dis-
crimination.

XVIII. *And be it further enacted* by the authority aforesaid, That if any tax collector or collectors shall make any distinction or discrimination of persons in issuing executions, the taxes of such person (in addition to the lien which the State has on the property of such person,) shall be considered as thereby assumed by such tax collector or collectors; and the treasurers of Charleston and Columbia are directed and enjoined, in their different departments, to debet such tax collector or collectors, so misbehaving, with all such arrearages of tax, and to issue executions therefor immediately against each and every of them, and to lodge such executions with the sheriff of the district in which such collector or collectors reside or shall have property. And if any sheriff or sheriffs, in whose hands such execution shall be lodged, shall make any distinction or discrimination of persons, in levying the said executions, or shall retain the same for a longer time than two months, without making a return of the same, he is hereby made chargeable with the said executions, in addition to the liability of the collectors and individuals so originally in arrear for taxes as aforesaid.

Taxes to be dis-
counted from
creditors of the
State.

XIX. *And be it further enacted* by the authority aforesaid, That no person holding any office of profit under this State, or having any demand against the State, shall be entitled to receive any sum of money which may be due to him from the State until his taxes are first paid and satisfied; and the treasurers are hereby positively directed, before they shall pay to any person holding any office of profit or having such demand, the sum that may be due to him, to require of him a receipt from the tax collector where such person resides or ought to pay his tax, stating that his taxes are paid and satisfied. And upon neglect or refusal of any person holding any such office or having such demand, to produce such receipt, the treasurers are hereby directed not to pay such person the sum or sums of money which may be due to him, until satisfactory proof is made to them that such taxes have been paid, or the parties agree to discount the same. And if the treasurer should pay to any person holding any office of profit or having any demand as aforesaid, any sum which may be due to him, without having such receipt produced or discount made as above required, he is hereby declared to be liable for all losses which may arise to the State therefrom.

Time of pay-
ment of the pa-
per medium.

XX. *And be it further enacted* by the authority aforesaid, That the instalments of the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid as directed by the Act entitled

"An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and six. Provided always nevertheless, that no person shall be entitled to the benefit of this clause who shall not give an additional security, if required by the treasurer at Charleston, in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which may be made in paying the interest to grow due in March next.

A. D. 1800.

XXI. *And be it further enacted* by the authority aforesaid, That the tax collectors throughout the State, in their several parishes and election districts respectively, shall be, and they are hereby, authorized and required to collect the poor tax in their several parishes and election districts; and they shall be allowed the usual commissions for so doing.

Poor tax.

XXII. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act to each of the collectors appointed by law throughout this State, within one month after passing this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

Copies of this Act to be furnished.

XXIII. *And be it further enacted* by the authority aforesaid, That the pay hereinafter to be provided for the support and maintenance of the magazine guard, shall be restricted to that of the pay of an officer, a sergeant and six men; and that the sum of two thousand two hundred dollars be, and the same is hereby, appropriated for the payment of the said guard, under the direction of the comptroller.

Magazine guard.

XXIV. *And be it further enacted* by the authority aforesaid, That no person or company shall, on any pretence whatever, issue or re-issue any note or notes in the nature of bank notes, or otherwise, on the credit of the paper medium of the State; and such notes aforesaid as shall now be in circulation, bottomed on the paper medium, shall be immediately called in; and the treasurers and tax collectors are hereby forbidden, under the penalty of losing their offices and forfeiting the sum of one thousand dollars, from receiving such notes as are herein mentioned, in payment of taxes or duties; and every bank, and persons associated for banking, issuing or re-issuing such notes, shall forfeit and pay the sum of ten thousand dollars, which shall be recovered by action in any of the courts of law in this State. And that it shall be the duty of the comptroller to enquire into and examine whether such notes are in circulation, and give information accordingly to the attorney general, whose duty it shall be to bring suit or suits accordingly.

No banking to be allowed on the paper medium.

XXV. *And be it further enacted* by the authority aforesaid, That all the public arms which now are or hereafter may be purchased on behalf of this State, shall, by order of his Excellency the Governor, be equally distributed among the several brigades of the militia of the State; and that the several and respective brigadier generals shall and may allow the said arms to be sold for costs and charges among the men of his brigade, and cause the money arising from such sale to be paid into the treasury, to be appropriated for the purchase of other arms, to be distributed in manner aforesaid: Provided nevertheless, that no one man shall be permitted to purchase more than what shall be sufficient to arm himself of the arms aforesaid.

Public arms to be distributed.

XXVI. Whereas, there are many wealthy citizens of this State who derive very considerable revenues from monies which produce an interest, and who do not contribute a due proportion to the public exigencies of the same; *Be it therefore enacted* by the authority aforesaid, that each and

Tax on money at interest.

A. D. 1800.

every enquirer, assessor and collector throughout the State shall, on their enquiry for the returns of the taxes of this State for the year one thousand eight hundred, administer the following oath to all such persons as may be liable to pay the same, viz: "I, A. B., do solemnly swear (or affirm, as the case may be,) that the account which I now give in is a just and true account of the quantity and quality of the lands, and the number of slaves, and the sum or sums of money which have produced me an interest since the first day of October, eighteen hundred, in any manner whatsoever, which I am possessed of, interested in, or entitled to, either in my own right or in the right of any other person whomsoever, either as guardian, executor, attorney, agent or trustee, or in any other manner whatsoever, according to the best of my knowledge or belief; and that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked me touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever, so help me God:" and upon every sum or sums of money at interest actually received, over and above what each person pays on account of interest, except where such interest money is received by any widow, orphan or unmarried woman, having no other means of livelihood, the said assessor, enquirer or collector, or enquirers, assessors or collectors, to whom the same shall be returned, shall assess the sum of twenty-five cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportional sum on all other sums of money drawing less than seven per cent., to be recovered in like manner, in case of default, as the collectors are authorized by law heretofore to do on the returns of lands and slaves.

Penalty.

XXVII. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, they shall be liable to suffer the same forfeitures and pay the same penalties as are authorized by law in case of their refusing or neglecting to make return of his, her, or their lands or slaves.

Sheriffs to collect tax executions.

XXVIII. *Be it further enacted* by the authority aforesaid, That the several and respective tax collectors in this State shall place their warrants against any person or persons who shall make default of payment of their taxes, for collection in the hands of the sheriffs of the districts respectively, and in the hands of no other person or persons whomsoever; and the sheriffs shall be entitled on the service of such warrants to the usual mileage on the service of executions.

XXIX. *And be it further enacted* by the authority aforesaid, That the tax collectors shall take the sheriff's receipt for such executions as shall have been issued for taxes, which receipts they shall respectively produce in settlement with the treasurer. And it shall be the duty of the treasurer to transmit to the comptroller, without delay, a certified copy of all such receipts, to the end that the comptroller may be enabled to inspect the conduct of the sheriffs therein.

Land bought in by the State to be sold.

XXX. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums borrowed by them, and sales have been made of the lands mortgaged to secure said loan, and the treasurers have bought in the said lands for defect of bidders, and the same remain on the hands of the State, unproductive; *Be it enacted* by the authority aforesaid, That the treasurer shall be, and is hereby, authorized and directed to cause all the lands bought in as aforesaid to be put up to sale, in the districts in which they severally lie, by the sheriffs of the said districts, on a public sale day, after giving three months notice thereof, and shall sell

the same to the highest bidder; and such purchaser shall pay one fourth part of the purchase money in cash, at the time of the sale, and the remaining three fourths in one and two years; for the performance of which he shall give his bond and mortgage of the premises, and also personal security, to be approved of by the sheriff and three commissioners residing in such district, to be nominated by the treasurer. Provided, that no sale of the said mortgaged lands shall take place when any person interested in the same shall tender one third part of the sum due, together with the expenses incurred, and give bond, mortgage and security, as is herein before directed, for the balance due, payable in one and two years, previous to the day of sale; and that the said mortgaged property shall thereupon vest in the party so paying and giving security as aforesaid.

A. D. 1800.

XXXI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurer, in the monthly reports which he is required to make to the comptroller, to state the amount of all sums of money which he shall or may receive or pay away on behalf of the State, particularizing the person and his office of whom he receives and to whom he pays, as well as on what account he has received, and for what purposes he has paid, such sums. Monthly reports.

XXXII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers, at any time when required by the comptroller, severally and respectively, to produce to him a satisfactory statement of the cash on hand, and shall promptly furnish him with official information, duly certified, whenever applied to do so, relative to any matter connected with the revenue and finances of the State, of every denomination and description, within their several and respective departments or divisions. Treasurers to account to Comptroller.

XXXIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers to pay the salaries of all the public officers on the civil list, quarterly, and not earlier.

XXXIV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers, and they are hereby directed, severally, to raise an account in the treasury books, in every instance, for the several appropriations made by the Legislature, so that the appropriations of money, and the application thereof, conformably thereto, may appear clearly and distinctly on the treasury books.

XXXV. And whereas, the foreign debts of this State have all been paid off except two, one of them to Strickhouser, and the other claimed by the representatives of the Prince of Luxembourg, amounting in the whole, by estimate, to about one hundred and fifty thousand dollars, which peculiar circumstances prevent the payment of at this time; and whereas, there remains in the treasury, over and above the appropriations made by law, a much larger sum than the above, great part of which has arisen from an Ordinance of the thirteenth of March, one thousand seven hundred and eighty-nine, entitled "An Ordinance for funding and ultimately discharging the foreign debt of this State," imposing a tax of one quarter of a dollar per head on each negro slave in the State, for the purpose of, and sacredly pledged for, the payment of the foreign debt; so that the said Act hath answered the purpose for which it was passed, and there is no necessity to continue the imposition of the said tax any longer on the citizens; but it is essential to the maintenance of the good faith of this State, that the said sum of one hundred and fifty thousand dollars should be set apart sacredly for the payment of the two beforementioned debts, as soon as the same can be done with justice and propriety: *Be it enacted* by the authority aforesaid, That the sum of one hundred and fifty thousand dollars, now in the treasury, Foreign debt.

A. D. 1800.

be, and the same is hereby, set apart and sacredly pledged for the payment of the two before mentioned debts, whenever such payment can be made consistently with justice and safety to the State, under the direction of the legislature. And that the same may be made productive, so as to meet the growing interest of those debts, the treasurer of the lower division is hereby authorized and directed to lay out the sum aforesaid as speedily as can be done with advantage to the State, under the direction of the comptroller and of the standing committee of the Legislature, in the purchase of the funded debt of this State or of the United States, which shall be preserved and remain pledged and set apart for the payment of the two debts aforesaid. And the ordinance of the thirteenth day of March, one thousand seven hundred and eighty-nine, entitled "An Ordinance for funding, and ultimately discharging, the foreign debt of this State," shall be, and the same is hereby, repealed.

Ordinance of 1789 repealed.

Unappropriated money in the treasury.

XXXVI. *And be it enacted* by the authority aforesaid, That the treasurers shall forthwith open in their respective books an account in the name of the State of South Carolina, in which account they shall enter the amount of all sums now in the treasury unappropriated; and in like manner shall enter all sums of the same nature that shall hereafter be received by them respectively; which sums are hereby placed under the superintendence of the comptroller, to be applied at such time and in such manner, for the purposes aforesaid, as he and the said standing committee of the legislature shall in their discretion think fit, by drafts, to be made by the comptroller on the treasury. And the said comptroller is hereby required to render, annually, to the Legislature, a full account of his transactions.

Gaol fund in Charleston.

XXXVII. *And be it enacted* by the authority aforesaid, That the treasurer of Charleston be, and he is hereby, authorized and directed to sell so much of the funded debt of the State as has been purchased by the treasurers with the sums heretofore appropriated by law for the building a gaol in Charleston and kept as a gaol fund, for so much as the same will bring, giving the preference to the State as a purchaser in such sale; and that the amount of the money which shall be produced by the sale of such stock shall be paid over to the commissioners for building a gaol in Charleston, who shall proceed to erect and build a suitable gaol for the district of Charleston with the said sum of money, together with the sum of five thousand dollars, part of the sum of one hundred thousand dollars appropriated by the tax Act of one thousand seven hundred and ninety-nine, for the purpose of erecting court houses and gaols in this State.

Lieutenant Governor acting as Governor, to be paid the salary.

XXXVIII. And whereas, some doubts having been entertained that the Lieutenant Governor and his private secretary were not entitled to the salary appropriated by law for the payment of the Governor and Commander-in-chief of this State and of his private secretary, notwithstanding the administration of the government devolved on the Lieutenant Governor on the death of the late Governor, and the comptroller suspended the payment of such salary till the pleasure of the Legislature could be known; *Be it enacted* by the authority aforesaid, That the treasurer shall be, and he is hereby, authorized and required to pay to his Excellency John Drayton the salary allowed by law to the Governor and Commander-in-chief of the State, for such time as he administered the government, as Lieutenant Governor, after the death of the late Governor, out of the provision made by law on this subject; and also to the private secretary of the Governor the salary provided by law for him.

Securities of tax collectors.

XXXIX. *And be it enacted* by the authority aforesaid, That the securities of the several tax collectors, who may be hereafter appointed in this State, shall be approved of by the commissioners who approve of the securities

given by the sheriffs of the several districts in which they may be appointed respectively.

A. D. 1800.

XL. And be it enacted by the authority aforesaid, That the several sums hereinafter mentioned shall be, and are hereby, appropriated for the several purposes following, to wit : for defraying the expenses of the civil list, as per estimate (No. 1) number one, hereunto annexed, a sum not exceeding seventy thousand eight hundred and thirty-five dollars; for defraying the contingent and extraordinary expenses of government, as per estimate (No. 2) number two, hereunto annexed, a sum not exceeding forty-five thousand seven hundred and eighty-one dollars, eighty-six cents. And that the said several sums shall be paid out of the funds following, namely, the general taxes imposed by this Act, and all arrears of debts, duties and taxes whatsoever, which have been collected or may be collected for the use of the State, and not otherwise appropriated by law.

Appropriation.

XLI. And be it enacted by the authority aforesaid, That the balance of interest which now remains or shall hereafter remain to this State on the debt due by the United States, after paying the interest due on the funded debt of this State, and the amount of the principal which may be paid on the principal of the debt due to this State by the United States, shall be, and the same is hereby, appropriated to the purchase or redemption of the funded debt of this State, by the treasurer of the lower division, under the direction of the comptroller and standing committee of the Legislature; and all balances of cash which may remain in the treasury of this State after paying the appropriations made by law, shall and may be applied, in the same manner, to the same use and purpose.

Funded debt to be bought in.

ESTIMATE

Of supplies wanted for the support of Government, for the year 1800, and to discharge demands incurred in the year 1800.

STATEMENT NO. I.

Salaries, and other annual expenses, as settled by law.

The Governor's salary,	-	-	-	-	-	\$2,572 00
Secretary to the Governor,	-	-	-	-	-	430 00
Six Judges of the Courts of Law, each \$2,572,	-	-	-	-	-	15,432 00
Three Judges of the Court of Equity, each \$2,144,	-	-	-	-	-	6,432 00
Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, in addition to his other duties,	-	-	-	-	-	860 00
The Circuit Solicitors, (three) each \$500,	-	-	-	-	-	1,500 00
Clerk of the Court at Columbia,	-	-	-	-	-	140 00
Clerk of the Court at Charleston,	-	-	-	-	-	140 00
Sheriff of Richland, for attending on the Constitutional Court at Columbia,	-	-	-	-	-	50 00
Expenses of the members of the Legislature at the present session, and pay of the Solicitors attending the Legislature,	-	-	-	-	-	12,000 00
Clerk to the Senate, and Clerk to the House of Representatives, each \$1230,	-	-	-	-	-	2,460 00
Two Messengers, each \$216,	-	-	-	-	-	432 00
Two Doorkeepers, each \$216,	-	-	-	-	-	432 00
Keeper of the State House, at Columbia, his salary, fixed at \$130,	-	-	-	-	-	130 00
Comptroller's salary,	-	-	-	-	-	2,000 00
Comptroller's clerks, and stationary,	-	-	-	-	-	1,600 00
Treasurer in Charleston, for salary as Treasurer, and for transacting the business of the Loan Office, and clerks,	-	-	-	-	-	2,658 00
Treasurer in Columbia, for his salary,	-	-	-	-	-	1,290 00
Clerk to the Treasurer in Columbia,	-	-	-	-	-	400 00
Adjutant General,	-	-	-	-	-	1,500 00

A. D. 1800.	Nine Brigade Inspectors, each \$216,	-	-	-	-	-	\$1,944 00
	Arsenal keeper and Powder receiver in Charleston,	-	-	-	-	-	216 00
	Ditto Ditto ditto at Abbeville Court House,	-	-	-	-	-	50 00
	Arsenal keepers and powder receivers for Camden, Georgetown and Beaufort, each \$50,	-	-	-	-	-	150 00
	Contingent fund, subject to the Governor's draft, he to submit an annual account of expenditure,	-	-	-	-	-	6,000 00
	Port Physician, salary,	-	-	-	-	-	600 00
	State Printer's salary,	-	-	-	-	-	1,158 00
	Pilot for bar and harbor of Georgetown,	-	-	-	-	-	322 00
	Annuities, -	-	-	-	-	-	4,500 00
	Transient poor, payable to the City Council of Charleston,	-	-	-	-	-	4,280 00
	Salary of the keeper of the lazaretto of the port of Charleston,	-	-	-	-	-	257 00
							<hr/> \$71,935 00

ESTIMATE NO. 2.

Extraordinaries and Contingent Accounts.

Contingent accounts of the lower division, payable by the Treasurer in Charleston, as reported on by the Comptroller, and agreed to by the Legislature,	-	-	-	-	-	-	5,995 34
Contingent accounts of the upper division of the Treasury, payable by the Treasurer in Columbia, as reported on by the Comptroller, and agreed to by the Legislature,	-	-	-	-	-	-	3,531 56
For Frederick Crider,	-	-	-	-	-	-	86 00
For the immediate purchase of swords and pistols, to arm the Militia,	-	-	-	-	-	-	3,000 00
For the purchase of a Library for the use of the Legislature,	-	-	-	-	-	-	1,000 00
For the fitting up desks and places of deposit for the papers of the House of Representatives,	-	-	-	-	-	-	100 00
Rev. Mr. Dunlap, for preaching before the Legislature,	-	-	-	-	-	-	90 00
Magazine Guard, near Charleston, a captain, sergeant, and six privates, pay and subsistence,	-	-	-	-	-	-	2,200 00
Orangeburgh Gaol and Court House, repairs,	-	-	-	-	-	-	800 00
Beaufort District Court House, repairs,	-	-	-	-	-	-	800 00
William Rowe, Lieutenant of Cavalry, pay roll for guarding Duesto, a prisoner, from Riddlesperger's to Orangeburgh, and at the gaol until his execution,	-	-	-	-	-	-	248 50
James Gillespie and Thomas Godfrey, employed by the Executive,	-	-	-	-	-	-	382 79
A casement for the Secretary's office, in Columbia,	-	-	-	-	-	-	60 00
Repairs to the Magazine and Barracks on Charleston Neck,	-	-	-	-	-	-	500 00
Index to Register's office in Charleston, to be performed under the direction, and appointment and inspection of the Register,	-	-	-	-	-	-	1000 00
For expenses for carrying into effect the Quarantine laws,	-	-	-	-	-	-	1000 00
Engineer's department, for amount of accounts in the Engineer's department, ordered by the House to be referred to the Comptroller to be examined, and, if properly vouched, to be paid out of the treasury, under his direction,	-	-	-	-	-	-	22,427 10
Robert Murphy, agreeably to joint resolution, a sum not exceeding,	-	-	-	-	-	-	150 00
Benjamin Langstaff, for a negro executed,	-	-	-	-	-	-	122 44
John Pearson, for a negro executed,	-	-	-	-	-	-	122 44
James B. Richardson, for a negro executed,	-	-	-	-	-	-	122 44
Jacob Sass, for certain work in Senate House, agreeably to their order,	-	-	-	-	-	-	1,336 00
Thomas Pace, for the apprehension of Duesto, on his compliance with the conditions stated in joint resolution of the Legislature,	-	-	-	-	-	-	200 00
Le Vacher St. Marie, for repairs to his quarters on Charleston Neck,	-	-	-	-	-	-	26 00
James Kershaw's account, salary from Nov. 1798 to Nov. 1799, \$86; for rent of Arsenal, \$60,	-	-	-	-	-	-	146 00
Andrew Adams, a soldier disabled in the service of the State,	-	-	-	-	-	-	22 00

Arrears of pension to Martha Anderson and her children,	-	-	162 75	A. D. 1801.
James Douglas, agreeably to joint resolution, for balance of his account for repairs to the State House,	-	-	200 00	
			<hr/>	
			\$45,781 36	

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred, and in the twenty-fifth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT supplementary to an Act entitled "An Act to prevent No. 1756.
Negro Slaves and persons of Colour from being brought into or
entering this State."

(Passed December 19, 1801. *See last volume.*)

AN ACT TO PREVENT THE FORGING, AND UTTERING, KNOWING THE SAME No. 1757.
TO BE FORGED, CERTAIN INSTRUMENTS IN WRITING, THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person, from and after the passing of this Act, shall, within this State, falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly act or assist in the false making, forging or counterfeiting, of any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money or delivery of goods, bank note for payment of money of any incorporated or unincorporated bank or company within this State or any of the United States, or any indorsement or assignment of any bill of exchange or promissory note for payment of money, or of any bank note for payment of money of any incorporated or unincorporated bank or company within this State or any of the United States, or any acquittance or receipt, either of money or goods, or any acceptance of any bill of exchange, or the number or principal sum of any promissory note or bank note, for the payment of money, of any incorporated or unincorporated bank or company in this State or any of the United States, or the number or principal sum of any accountable receipt for any note, bill or other security for payment of money, or any warrant or order for payment of money or delivery of goods, with intention to defraud any person or persons residing or being within this State or any of the United States, or any bank or company, incorporated or unincorporated, within this State or any of the United States, or the president or any other officer of any such bank or company; then every such person, being lawfully thereof convicted

Persons found
guilty of forge-
ry, to be deem-
ed felons.

A.D. 1801.

according to the due course of law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit or clergy.

Any person found guilty of uttering forged deeds, &c. also deemed a felon.

II. *And be it further enacted* by the authority aforesaid, That if any person, from and after the passing of his Act, shall, within this State, utter or publish as true, any false, forged or counterfeited deed, will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money or delivery of goods, bank note for payment of money of any incorporated or unincorporated bank or company within this State or any of the United States, or any indorsement or assignment of any bill of exchange or promissory note for payment of money, or of any bank note for payment of money of any incorporated or unincorporated bank or company within this State or any of the United States, or any acquittance or receipt, either for money or goods, or any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for any promissory note or bank note for payment of money, of any incorporated or unincorporated bank or company within this State or any of the United States, or the number or principal sum of any accountable receipt, note, bill, or other security for payment of money, or any warrant or order for payment of money or delivery of goods, with intention to defraud any person or persons residing or being within this State or any of the United States, or any bank or company, corporated or unincorporated, within this State or any of the United States, or the president or any other officer of any such bank or company; the said person so uttering the same as aforesaid, knowing the same to be false, forged or counterfeited, then every such person, being thereof lawfully convicted according to due course of law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

No. 1758. AN ACT TO ESTABLISH THE OFFICE OF COMMISSIONER OF LOCATIONS.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a commissioner of locations, in each circuit district, shall be recommended by a majority of the members of the legislature of such district, and shall be commissioned by the Governor for the time being; and in case the members of any district, or a majority of them, shall fail to recommend any fit and proper person as commissioner of locations, the Governor for the time being shall commission any person whom he may think fit.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

A. D. 1801.

AN ACT to incorporate the South Carolina and State Banks.

No. 1759.

(Passed December 19, 1801. *See last volume.*)

AN ACT to repeal the Act entitled "An Act to establish a Company for the opening the Navigation of Broad and Pacolet Rivers." No. 1760.

(Passed December 19, 1801. *See last volume.*)

AN ACT to establish a Court of inferior jurisdiction in the City of Charleston, and to extend the jurisdiction of Magistrates throughout the State, except those resident in the City of Charleston. No. 1761.

(Passed December 19, 1801. *See last volume.*)

AN ACT TO VEST IN THE COMMISSIONERS OF THE HIGH ROADS AND BRIDGES, THROUGHOUT THE STATE, THE SOLE RIGHT OF GRANTING AND ISSUING LICENSES TO TAVERN KEEPERS, RETAILERS OF SPIRITUOUS LIQUORS, AND KEEPERS OF BILLIARD TABLES. No. 1762.

WHEREAS, doubts have arisen with respect to the person or persons in whom the right of granting and issuing licenses to tavern keepers, retailers of spirituous liquors, and keepers of billiard tables, is vested, and the laws now in force not being deemed sufficiently explicit upon that subject:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the sole right and exclusive power of granting and issuing licenses to retailers of spirituous liquors, tavern keepers, and keepers of billiard tables, be, and the same is, vested in the commissioners of the high roads and bridges, or a majority of them, in their respective districts and parishes throughout the State.

Commissioners to grant licenses,

II. *And be it enacted* by the authority aforesaid, That the said commissioners of the roads, or a majority of them, throughout this State, shall, at any stated meeting, and at no other time, hear all applications for licenses to keep taverns and retail spirituous liquors within their respective districts and parishes; and shall reject such applications, or grant such licenses for one year, as to them shall seem meet and proper: and every retailer of spirituous liquors to whom such license or licenses are to be granted, shall give bond and security, according to law, to the chairman of the board of

and to hear applications.

A. D. 1801.

commissioners, or person authorized by the board, previous to his receiving the said license or licenses. And every person who shall obtain a license to keep tavern, shall give bond, with two sufficient securities, in the sum of one hundred pounds, payable to the commissioners where such licenses shall be obtained, for the use of the said district or parish, that such person shall keep clean and wholesome meat and drink and lodging for travellers, and the usual provender for horses. And that all licensed retailers who do not keep also taverns and entertainment for travellers, pay fifteen dollars for their license; and that he, she or they, shall not retail less than a quart of spirituous liquors; except in the districts of Charleston, Beaufort, Colleton and Georgetown, in which districts the licensed retailers last above mentioned shall pay for their licenses twenty dollars, and be subject to the restrictions aforesaid.

Money for licenses to be laid out in repairing roads.

III. *And be it enacted* by the authority aforesaid, That the sole and exclusive power of receiving the monies to be paid for licenses by tavern keepers, retailers of spirituous liquors, and keepers of billiard tables, be also, and the same is hereby, vested in the commissioners of the high roads and bridges; any heretofore law, usage or custom to the contrary notwithstanding: which monies, when so received, shall be applied by the said commissioners to the repairs of the roads and bridges in their respective districts and parishes throughout the State.

What sum to be paid.

IV. *And be it enacted* by the authority aforesaid, That each and every person applying for a license or licenses to keep taverns or retail spirituous liquors, shall pay, on his receiving said license, the sum of eight dollars for said license, to the chairman of the board, or person authorized thereby, together with two dollars, fees for the issuing said license and taking bond as aforesaid.

Penalty for retailing without license.

V. *And be it enacted* by the authority aforesaid, That any person or persons who shall retail spirituous liquors or keep tavern without a license or licenses from said board of commissioners, shall forfeit and pay the sum of one hundred dollars, to be recovered in any district court in this State.

What sum to be paid for licensing billiard tables.

VI. *And be it enacted* by the authority aforesaid, That each and every person applying for a license or licenses to keep a public billiard table or billiard tables, shall pay, on his receiving said license or licenses, the sum of fifty dollars, to the chairman of said board, or person authorized thereby, together with two dollars, fees for the issuing said license; and any person or persons who shall keep a billiard table or billiard tables without a license or licenses from the said board of commissioners, shall forfeit and pay the sum of three hundred dollars, to be recovered in any district court in this State. The forfeiture in all cases to be thus disposed of; one half to the informer, and the other half to the board of commissioners in their respective districts or parishes, and to be applied by them to the repairs of the roads and bridges throughout the State, or to the maintenance of the poor in such districts which may not require the application of the same to the repairs of the roads and bridges in such district: Provided always, that nothing contained in this Act shall be construed to extend to lessen the powers at present granted by law, and now exercised by the corporation of Charleston, or the commissioners of the town of Columbia, or the commissioners of the streets of Georgetown, or of the corporation of Camden, or any other incorporated towns; and that any regulations, conformably to their present powers, which the city council of Charleston may deem requisite to enforce or prescribe, in relation to the granting of licenses to tavern keepers, retailers of spirituous liquors, and keepers of billiard tables within the city of Charleston, shall be deemed lawful and valid; any thing in this Act to the contrary notwithstanding: and also that all similar regulations by law permitted to be made by the commissioners of the town

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of Columbia, or the commissioners of the streets of Georgetown, or of the corporation of Camden, or any other incorporated town, shall be deemed lawful and valid; any thing in this Act to the contrary thereof in any wise notwithstanding. Provided also, that nothing contained in this law shall prevent any person from selling or retailing spirituous liquors, not less than one quart, distilled on his own plantation, of the growth and produce of this State, and to be carried away from the same.

VII. *And be it enacted* by the authority aforesaid, That the commissioners of the streets and markets of the town of Columbia shall have the power of granting licenses to all keepers of billiard tables within the limits of the said town, and that the money arising therefrom shall be appropriated to sinking wells, and laid out in the purchase of a fire engine, for the use of the inhabitants of the said town.

Money for licensing billiard tables in Columbia, how to be applied.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH A TOWN IN THE FORK OF TUGALOO AND KEOWEE RIVERS. No. 1763.

WHEREAS, Samuel Earle hath petitioned the Legislature to lay out and establish a town in the fork of Tugaloo and Keowee rivers :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a town shall be, and the same is hereby established, on the lands of Samuel Earle, lying in the fork of Tugaloo and Keowee rivers, in the district of Pendleton; which town shall be known and distinguished by the name of Andersonville.

Andersonville established.

II. *And be it enacted* by the authority aforesaid, That General Robert Anderson, Colonel John Bayles Earle, and Samuel Earle, be, and they are hereby appointed, commissioners to lay off the said town, and form such rules and regulations respecting the same, as to them, or a majority of them, may be deemed requisite and convenient.

Commissioners appointed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT TO INCREASE THE STORAGE OF TOBACCO AT HAMMOND'S, CAMP-BELL'S AND PICKENS'S WAREHOUSES. No. 1764.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of VOL. V.—51.

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Rates of storage increased.

the same, That from and after the first day of January next, the rates of storage of tobacco at Hammond's, Campbell's and Pickens's warehouses, be, and they are hereby, increased; and that the proprietors of the said warehouses be entitled and authorized to receive the sum of one shilling and four pence for the first four months, for the storage of each and every hogshead of tobacco that shall be stored in either of the said warehouses: and also the sum of seven pence for every month each and every hogshead of tobacco shall remain therein longer than the time aforesaid; any law to the contrary thereof in any wise notwithstanding.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

No. 1765. *AN ACT TO AUTHORIZE THE TREASURER TO DELIVER TO PETER TREZEVANT A BOND AND MORTGAGE THEREIN MENTIONED.*

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the treasurer is hereby directed and required to deliver to Peter Trezevant, who hath intermarried with the daughter and only legal representative of Robert Farquhar, deceased, a certain bond and mortgage, executed by the said Robert Farquhar to the commissioners of confiscated estates, for the purchase of a house and lot, sold by the said commissioners as the property of William Russell, and purchased by the said Robert Farquhar, who was a just creditor of said William Russell to a larger amount than the sum due on said bond and mortgage.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

No. 1766. *AN ACT TO PROVIDE FOR THE DRAWING AND LEGALIZING A JURY TO SERVE AT THE NEXT SPRING CIRCUIT FOR SUMTER DISTRICT, AND LEGALIZING THE JURY LATELY DRAWN IN ORANGEBURGH DISTRICT.*

Preamble.

WHEREAS, by the destruction of the public records and minutes of the court of Sumter district, by fire, which consumed the clerk's office and all the papers therein contained, the names of the jurors drawn regularly at the last November court were thereby burned and lost. In order, therefore, to remedy and avoid the inconveniences and evils that may arise

from a delay of justice, for the want of a jury to serve in the courts of sessions and common pleas for Sumter district, at the next Spring circuit :

A D. 1801.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority the same, That it shall be lawful for the clerk of the said district court of Sumter district, to require, by a summons under his hand and seal, the attendance of four justices of the peace, whereof two shall be of the quorum, to be and appear at the court house of said district, on the fifteenth day of January next; and that the clerk and sheriff of the said district shall then and there proceed to draw, in the presence of the said justices aforesaid, a lawful number of jurors, from the jury box of said district, according to the directions or references contained in an Act of Assembly of this State, passed on the 18th day of December, in the year of our Lord one thousand seven hundred and ninety-nine, entitled "An Act for the establishment of an uniform and more convenient system of judicature." Which said jurors, so drawn, are hereby declared, to all intents and purposes, lawful jurors, to sit, try and determine all matters in the said courts for the said district, at the next spring circuit, that may be brought before them respectively; and that no challenge, either to the array, the pannel, or the poll, shall be admitted against such juries, or any of them, on account of their having been drawn in the manner above provided; any Act, matter, clause, usage, custom or law to the contrary notwithstanding.

Sheriff and
clerk to draw
juries for
Sumter.

II. *And be it further enacted* by the authority aforesaid, That the said clerk of the court of the district of Sumter, aforesaid, be, and he is hereby, authorized and required to issue a writ of venire facias, directed to the said sheriff of Sumter district, who shall summon the jurors so drawn as aforesaid, to appear and serve at the said court; and that all jurors so to be summoned, and failing to attend agreeably to such summons, shall be, and they are hereby declared to be, subject to the penalties prescribed by law against defaulters in like cases.

Jurors to at-
tend, on penal-
ty.

III. And whereas, doubts have arisen whether the jury drawn to serve the next court for Orangeburgh district, were legally drawn; *Be it therefore enacted* by the authority aforesaid, That the jury so drawn for the district aforesaid, shall be considered as a legal jury, and are hereby declared to be legalized.

Orangeburgh.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the
House of Representatives.*

AN ACT TO ESTABLISH A COLLEGE AT COLUMBIA

No. 1767.

WHEREAS, the proper education of youth contributes greatly to the prosperity of society, and ought always to be an object of legislative attention; and whereas, the establishment of a college in a central part of the State, where all its youth may be educated, will highly promote the instruction, the good order and the harmony of the whole community :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the

A. D. 1831.

Trustees ap-
pointed for
four years.

authority of the same, That his Excellency the Governor, his Honor the Lieutenant Governor, the honorable the President of the Senate, and the Speaker of the House of Representatives, the honorable the Associate Judges of the Court of Equity, shall be, ex-officio, together with General Charles C. Pinckney, H. W. Desaussure, Thomas Taylor, the Reverend D. E. Dunlap, the Reverend Mr. John Brown, of Lancaster, Wade Hampton, John Chesnut, James B. Richardson, Dr. Isaac Alexander, Henry Dana Ward, the Rev. Samuel W. Youngue, William Falconer, and Bartlee Smyth, be trustees, to continue in office for the term of four years from the passing of this Act, and at the expiration of the said four years, and every four years thereafter, the legislature to nominate thirteen trustees to succeed the said thirteen persons above named, one body politic and corporate, in deed and in law, by the name of "The Trustees of the South Carolina College;" and that by the said name they and their successors shall and may have perpetual succession, and be able and capable in law to have, receive, and enjoy, to them and their successors, lands, tenements and hereditaments, of any kind or value, in fee, or for life or years, and personal property of any kind whatsoever, and also all sums of money of any amount whatsoever, which may be granted or bequeathed to them for the purpose of building, erecting, endowing and supporting the said college in the town of Columbia.

Trustees to
meet.

II. *And be it enacted* by the authority aforesaid, That there shall be a stated meeting of the said trustees on the first Wednesday in December in each year, during the session of the Legislature; and that the president of the said college, and four of the said trustees, shall have full power to call occasional meetings of the board whenever it shall appear to them necessary; and that at all stated meetings the president of the board of trustees aforesaid and ten of the trustees shall be the number to constitute a quorum, and to fill up, by ballot, any vacancies that may occur in the said trustees, except those who are hereby declared to be trustees ex-officio; and the president and six of the other trustees shall be the number to constitute an occasional meeting; and the said trustees, or a quorum of them, being regularly convened, shall be capable of doing or transacting all the business and concerns of the said college; but more particularly of electing all the customary and necessary officers of the said institution, of fixing their several salaries, of removing any of them for neglect or misconduct in office, of prescribing the course of studies to be pursued by the students; and, in general, of framing and enacting all such ordinances and by-laws as shall appear to them necessary for the good government of the said college: Provided the same be not repugnant to the laws of this State nor of the United States.

Style and pow-
er of the presi-
dent and pro-
fessors.

III. *And be it enacted* by the authority aforesaid, That the head of the said college shall be styled "The President," and the masters thereof shall be styled "The Professors;" but professors, while they remain such, shall never be capable of holding the office of trustee; and the president and professors, or a majority of them, shall be styled "The Faculty of the College;" which faculty shall have the power of enforcing the ordinances and by-laws adopted by the trustees for the government of the pupils, by rewarding or censuring them, and finally, by suspending such of them as, after repeated admonitions, shall continue disobedient or refractory, until a determination of a quorum of trustees can be had; but that it shall be only in the power of a quorum of trustees, at their stated meeting, to expel any student of the said college.

IV. *And be it enacted* by the authority aforesaid, That the trustees of the said college shall and may have a common seal for the business of

themselves and their successors, with liberty to change or alter the same, from time to time, as they shall think proper; and that, by their aforesaid name, they and their successors shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law within this State: and to grant, bargain, sell or assign, any lands, tenements, hereditaments, goods or chattels; and to act and do all things whatsoever, for the benefit of the said college, in as ample a manner as any person or body politic or corporate can or may by law.

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Powers of the trustees.

V. *And be it enacted* by the authority aforesaid, That the trustees of the said college are hereby authorized and empowered to draw out of the treasury of this State the sum of fifty thousand dollars, to be appropriated to the purpose of erecting a building of brick or stone, and covered with tile or slate, suitable to the accommodation of the students of the said college, and suitable for fully carrying on the education of the said students, and for the erection of such other buildings as may be necessary for the use of the said college; and that the comptroller be authorized and empowered, upon application of the said trustees, to pay over to said trustees the sum of six thousand dollars, yearly and every year, to be appropriated to the purpose of paying the salaries of the faculty of the said college, and for the further support of the same; and that the trustees of the said college shall be accountable for the proper appropriation of the said monies, to the comptroller, who shall report thereon annually to the legislature.

Money appropriated for building the college.

VI. *And be it enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and as such shall be judicially taken notice of, without special pleading, in all the courts of law or equity within this State.

This Act a public Act.

VII. *And be it further enacted* by the authority aforesaid, That the said trustees, with the concurrence of the commissioners of Columbia, shall be empowered to make choice of any square or squares, yet unsold, in the town of Columbia, for the purpose of erecting said college, and the buildings attached thereto, having strict reference to every advantage and convenience necessary for such institution.

Trustees to take a square or squares in Columbia.

In the Senate, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE TREASURER TO DELIVER TO CERTAIN No. 1768.
PERSONS, THEREIN MENTIONED, NEW INDENTS, IN LIEU OF THE ORIGINAL
ONES WHICH HAVE BEEN LOST.

I. *Be it enacted*, by the honorable the Senate and house of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the treasurer is hereby authorized to deliver to Edward Denny three general indents; one number twelve hundred and sixty-six, (No. 1266) for twenty-eight pounds, thirteen shillings and two pence half-penny; one other indent, number two thousand eight hundred and seven, (No. 2807) for four pounds, five shillings and eight pence half-penny; also

Indents to be delivered.

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one other indent, number one hundred and sixty-seven, (No. 167) for six pounds, five shillings and eight pence half-penny; also to William Means, one indent number twelve hundred and ninety-four, (No. 1294) for fifty-two pounds, two shillings and ten pence farthing; also to James Means, one indent, number twelve hundred and ninety-five, (No. 1295) for eighty-three pounds, eleven shillings and five pence; also to George Story, one indent, number thirteen hundred, (No. 1300) for the sum of fifty-two pounds; also one indent to Henry Story, number thirteen hundred and one, (No. 1301) for ninety-three pounds, three shillings and six pence; also to James Story, one indent, number thirteen hundred and three (No. 1303) for twenty-two pounds, seventeen shillings and one penny; and one other indent, number two hundred and thirty-one, (No. 231) for eleven pounds, fourteen shillings and three pence farthing; also to Edward Armstrong, one indent, number two thousand seven hundred and twenty-two, (No. 2722) for fifty-nine pounds, five shillings and eight pence half-penny; and one other indent, number two hundred and nineteen, (No. 219) for twenty-one pounds, eight shillings and six pence three farthings; also to Nicholas Harris, one indent, number two thousand eight hundred and ninety-one, (No. 2891) for forty-one pounds, eleven shillings and five pence; also to issue for the benefit of the legal representatives of the late Colonel John James, one indent, number sixteen (No. 16) for the sum of one hundred and forty-seven pounds; and that the treasurer do allow the interest due on the said indents, in lieu of indents of the above descriptions, which are said to have been lost: Provided, that the persons above mentioned shall, before they be permitted to receive such new indents, give bond and good security to the treasurer, to be approved of by the comptroller, to indemnify the State against any subsequent production of the original indents, and any claim or claims which any person or persons whosoever may have therein.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

No. 1769. AN ACT to establish the Roads and Ferries therein mentioned.

(Passed December 19, 1801. See last volume.)

No. 1770. AN ACT TO ESTABLISH AN INSPECTION OF TOBACCO AT OR NEAR THE MOUTH OF LITTLE RIVER, IN THE DISTRICT OF ABBEVILLE.

Preamble. WHEREAS, it has been represented to the legislature by a number of the inhabitants of Abbeville district, that it would be much to their convenience that an inspection of tobacco should be established at or near the mouth of Little river:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an inspection and warehouse, for the inspection and reception of tobacco, shall be established and erected on the lands of Daniel Ramsay, near the mouth of Little river, in the district of Abbeville, which shall be subject to all the rules, regulations, restrictions and conditions mentioned, set forth and expressed in and by an Act of the Legislature of this State, entitled "An Act regulating the inspection and exportation of tobacco," passed the thirteenth day of March, one thousand seven hundred and eighty-nine.

A. D. 1801.

Inspection and warehouse to be erected on Daniel Ramsay's land.

II. *And be it further enacted* by the authority aforesaid, That John Matteson, Daniel Ramsay, John Marties, Joseph Barksdale and Captain Peter Merany be, and they are hereby appointed, commissioners to fix upon the most convenient place on the said land for the said inspection and warehouse; and the said commissioners, or a majority of them, shall have the power to choose an inspector for the said inspection and warehouse, and make such regulations for carrying into effect this Act, as they or a majority of them shall deem necessary.

Commissioners appointed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH A CERTAIN NEW DISTRICT THEREIN MENTIONED. No. 1771.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Kingston county, comprehending its present limits, shall compose a new circuit court district, which shall be known and distinguished by the name of Horry district, and shall be included in the eastern circuit.

Kingston county changed to Horry district

II. *And be it further enacted* by the authority aforesaid, That a court of general sessions and common pleas shall be holden at the court house, which shall hereafter be built in and for the said district, on the twenty-second day of March and October, in each year; and that it shall be the duty of the attorney general to attend the said courts respectively, and prosecute such actions and indictments which may arise within the limits of the said district, as he is now bound by law to prosecute in the other districts in the eastern circuit; the said courts to sit for any term of time not exceeding five days.

Time of holding courts.

III. *And be it further enacted* by the authority aforesaid, That until a new court house shall be built, the courts of general sessions and common pleas shall be holden at Georgetown as heretofore.

IV. *And be it further enacted* by the authority aforesaid, That John Graham, senior, Samuel Foxworth, William Williams, Thomas Livingston, Robert Conway, William Hemmingway, William Verun, Thomas Fearwell and Samuel Floyd, be, and they are hereby appointed, commissioners; and that the said commissioners, or a majority of them, shall fix upon a convenient place for erecting a court house and gaol for the said district,

Commissioners appointed.

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and contract for the building the same, within the sum hereinafter mentioned.

V. *And be it further enacted* by the authority aforesaid, That the name of the village in the said district shall be changed from that of Kingston to Conwayborough; and all lots unsold, or liable to be escheated therein, be sold by the commissioners aforesaid, and applied to the use of the poor of the aforesaid Horry district; any law to the contrary notwithstanding.

VI. *And be it further enacted* by the authority aforesaid, That the sum of five thousand dollars be appropriated for building a gaol and court house in Horry district, and that the same be provided for in the tax bill.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

No. 1772. *AN ACT* TO ESTABLISH THE OFFICE OF COMPTROLLER GENERAL; TO PROVIDE FOR THE MORE PUNCTUAL COLLECTION OF TAXES AND DEBTS DUE TO THE STATE; AND FOR THE BETTER ADMINISTRATION OF THE PUBLIC REVENUES.

Preamble.

WHEREAS, the revenue of this State hath in times past suffered considerable derangement for want of an officer to superintend, regulate and control the same, whereby very large sums of money have been lost to the State, to the great diminution of the revenue, and increase of the public burthen; to the end, therefore, the better to provide for the due collection and more regular administration of the revenues of this State,

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a comptroller of the treasury be, and he is hereby, appointed, whose duty it shall be to superintend, adjust and settle all the former accounts of the treasurers and tax collectors of this State, not already settled or adjusted; to superintend the collection of the future revenue, and the settlement, adjustment and preservation of the public accounts; to direct and superintend prosecutions for all delinquencies of all officers heretofore or hereafter to be employed in the collection of the revenue, and the enforcement of all or any execution or executions, issued or to be issued, for arrearages of taxes, and suits for any debts which may be due to the State; he shall decide on the official forms of all papers relative to the collection of the public revenue, and shall determine on the proper means to be adopted for the safe keeping thereof, and the manner and form of keeping the accounts of persons employed therein; he shall prepare, and report at every session of the legislature, estimates of the public revenue and public expenditures; and shall, at the same time, render fair and accurate copies of all the treasurers's monthly reports, and a true and accurate account of the actual state of each department of the treasury; and the books of the treasurers of this State shall, at all reasonable times, be open to the inspection and examination of the said comptroller; as shall

Comptroller appointed, and his duties defined.

also the books and accounts of all other person or persons concerned in the collection or safe keeping of any of the public monies or funds of this State.

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II. *And be it further enacted* by the authority aforesaid, That the right of imparlance, in suits which have been brought in behalf of the State, or which shall or may be hereafter brought or prosecuted by the comptroller, by virtue of his office, against all or any person or persons who have neglected to account for public monies received by them, or which may hereafter be received by them, shall be, and the same is hereby, taken away; any law, or usage, or custom to the contrary, notwithstanding.

The right of imparlance taken away.

III. *And be it enacted* by the authority aforesaid, That the said comptroller shall have, and he is hereby vested with, full power and authority, during the recess of the legislature, to suspend from office all and every tax collector who has been appointed since December, one thousand seven hundred and ninety-one, or who shall hereafter be appointed by the legislature of this State, who shall wilfully neglect or refuse to perform the duties of his said office: Provided always, that such suspension shall be previously approved of by his Excellency the Governor for the time being, who shall be, and he is hereby, authorized to substitute and appoint a fit and proper person or persons to execute the duties of the person or persons so suspended during the recess of the legislature.

Comptroller may suspend any tax collector.

IV. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, it shall be the duty of the treasurers, and each of them is and they are hereby required, at the end of every month, to report to the comptroller an accurate statement of the cash transactions of the treasury, of every description. And it shall be the duty of the said comptroller, twice in every year, and at such other times as he shall deem necessary, to examine the cash in the treasury at Charleston and Columbia. He shall personally superintend, except in the event of his being sick and thereby rendered unable to attend, the transfer of money and papers from the office of the treasurers to their successors, and report to the legislature thereon at their next session.

Treasurers to report their cash transactions to the Comptroller.

V. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the comptroller to draw either general or special warrants upon the treasury, when he shall be thereto required, for all monies, of whatever amount, which by law are directed to be paid out of the treasury of this State; and that no sum shall be drawn out of the treasury but by such general or special warrants; which warrants shall express on what particular account such money is due by the State; and the treasurers, after making a proper entry of each warrant, shall keep the same regularly filed in their respective offices; and it shall be the duty of the said comptroller to take a receipt and copy for every warrant so issued by him, and to keep the same regularly filed or entered in his office.

Comptroller to draw warrants.

VI. *And be it further enacted* by the authority aforesaid, That the treasurer, on receiving any monies from a tax collector, or any other person or assessor of this State, shall give him therefor two receipts, one of which it shall be the duty of the tax collector, or such other person, forthwith to transmit, in the safest and most expeditious manner, or by the post, to the comptroller; and in case any tax collector, or any other public officer, shall refuse or neglect to do the same, he shall forfeit and pay a sum not exceeding one hundred dollars, nor less than ten dollars, to be recovered by due course of law.

Treasurer to give two receipts to tax collectors.

VII. *And be it further enacted* by the authority aforesaid, That the said comptroller shall perform the duties of the commissioner of public accounts as heretofore performed by the treasurer at Charleston, besides the duties

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aforesaid prescribed, and shall reside during the sitting of the legislature at Columbia.

Shall commence his duties the first day of March.

VIII. *And be it further enacted* by the authority aforesaid, That the said comptroller shall be elected by both branches of the legislature of this State, shall be commissioned by the governor for the time being, shall commence the duties of his office from the first day of March then next ensuing his election, and shall continue in office for two years from that time, and receive for his services an annual salary of two thousand five hundred dollars.

Accounts against the State to be rendered in by the first day of October.

IX. *And be it further enacted* by the authority aforesaid, That all accounts against the State shall be transmitted to one of the treasurers, who shall send them to the comptroller on or before the first day of October in every year; and it shall be the duty of the comptroller to examine the said accounts, and transmit them to the Legislature, with his report, as soon as may be after the commencement of their session.

He shall do the duties prescribed by this and future Acts.

X. *And be it further enacted* by the authority aforesaid, That the said comptroller shall not only perform all the duties prescribed by this Act, but all other duties to be enjoined by any future Act of the Legislature of this State.

Comptroller to give bond.

XI. *And be it further enacted* by the authority aforesaid, That the comptroller shall, before he enter upon the duties of his office, give bond for the faithful discharge of the duties thereof, with one or more securities, to be approved of by the Governor for the time being, in the sum of thirty thousand dollars.

XII. *And be it further enacted* by the authority aforesaid, That no former treasurer, whose accounts hath not been settled under the inspection of the comptroller, shall be eligible to the office of comptroller.

Comptroller to examine tax returns.

XIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said comptroller to examine and compare the returns from the different parishes, counties and districts, and wherever he shall have reason, from such examination, to believe that the lands in any parishes, counties or districts as aforesaid, are not fully and fairly returned, he shall immediately give notice thereof to the tax-collector of such parish, county or district, and direct an immediate enquiry to be made therein; and in case it shall appear to him that the said tax collector hath been knowingly and wilfully concerned in the making a false return or returns, then the said comptroller shall proceed against such tax collector in the manner the treasurers are directed to proceed against tax collectors in case of their not returning to them just and true accounts of all monies received by them, as directed by the first clause of the "Act declaring the powers and duties of the enquirers, assessors and collectors of taxes, and other persons concerned therein," passed the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight.

Tax collectors to take sheriff's receipt for tax executions.

XIV. *And be it further enacted* by the authority aforesaid, That the tax collectors shall take the sheriff's receipt for such executions for taxes as they may have lodged with him; which receipt they shall produce in settlement with the treasurer; and it shall be the duty of the treasurer to transmit, without delay, to the comptroller, certified copies of all such receipts, to the end that he may be enabled to inspect the conduct of the sheriff thereon.

Treasurers to report to the comptroller the amount of cash received and paid away,

XV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of treasurer, in the monthly reports which he is required to make to the comptroller, to state the amount of every sum of money which he may receive or pay away in behalf of the State, particularizing the person and his office of whom he receives and to whom he pays, as

also on what account he has received, and for what purpose he has paid, such sums. A. D. 1801.

XVI. *And be it further enacted* by the authority aforesaid, That the treasurers shall, at all times when thereto required by the comptroller, produce to him satisfactory statements of the cash in hand, and furnish him promptly with official information, duly certified, relative to any matter connected with the revenue and finances of this State, within their respective divisions or departments. and to furnish him with statements of cash in hand.

XVII. *And be it further enacted* by the authority aforesaid, That the salaries of all the public officers on the civil list shall be paid quarterly, and not earlier. Salaries to be paid quarterly.

XVIII. *And be it further enacted* by the authority aforesaid, That the treasurers shall, severally, open an account in their books for every appropriation of money made by the legislature, so that all payments made by them under and in conformity to such appropriations, may appear clearly specified and defined in their books. Treasurers to open accounts for monies appropriated,

XIX. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers to report to the legislature at their annual session every instance of default in the tax collectors of their respective divisions, and to state particularly the means which they may have made use of against such defaulters, so that the legislature may be fully informed of any omission of duty, wheresoever and by whomsoever, in the punctual and due collection of taxes; and it shall be the indispensable duty of the treasurers respectively to enforce all legal means against defaulting collectors; in failure whereof, they shall be held to make good, respectively, any loss which the State may sustain thereby, and be moreover liable to be deemed guilty of a violation of their official duty. and to report to the legislature all defaulting tax collectors.

XX. And whereas, it has been customary with the treasurers to keep accounts current between their offices, for which at present there is no necessity, and from which embarrassments have arisen; *Therefore be it enacted* by the authority aforesaid, that in future it shall not be lawful for them to keep any such account, but each shall be separately liable and accountable for the transactions in his office only. Treasurers not to keep accounts current between their offices.

XXI. *And be it further enacted* by the authority aforesaid, That the comptroller and treasurers, respectively, shall keep open and attend in their offices from nine o'clock in the morning until two in the afternoon, on every day, (Sundays, the fourth of July, Christmas and the two next succeeding days, excepted.) Offices to be kept open from 9 until 2.

XXII. *And be it further enacted* by the authority aforesaid, That an exact copy of any entry from the books of either of the treasurers, certified by the comptroller, shall be received and admitted as evidence in any action or suit already instituted or to be hereafter instituted in any court of law or equity within this State, in as ample a manner as if the original books of the treasurers were produced. Copies of entries from the treasury books to be evidence in courts.

XXIII. Whereas, in consequence of the purchase of stock to cover the debts due to Struyckhuyser and Luxemburgh, an interest has already arisen, and, previous to the said demands being called for, will hereafter accrue on the said stock; *Be it therefore enacted* by the authority aforesaid, that it shall be the duty of the comptroller to invest the said interest money now lying in the treasury, and what may hereafter arise on the said stock, in the purchase of the funded debt of this State, or of the United States, on the best terms in his power to procure the same, subject to the provision of the law in relation to the principal of said debt. Comptroller to purchase funded debt.

XXIV. *And be it further enacted* by the authority aforesaid, That whenever the public exigency shall, in the opinion of the comptroller, &c. re-

A. D. 1801.

Comptroller
authorized to
remove money
from one trea-
sury to the
other.

quire that any sum or sums of money which may be in the treasury in Charleston shall be removed to the treasury in Columbia, or that any sum or sums of money which may be in the treasury in Columbia should be removed to the treasury in Charleston, that then, and in such case, the comptroller of the revenue and finances of the State shall be, and he is hereby, authorized and required to cause a transfer or transportation and removal of such sum or sums of money, to and from one treasury office to the other, in such manner as he shall deem most proper and convenient, and shall have power and authority to call upon his Excellency the Governor of the State for an order, and upon application the Governor is required to grant an order, for an escort or guard sufficient for the safe keeping and protecting, during the transporting, such sum or sums, to and from one office of the treasury to the other.

In the Senate House, the nineteenth of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the
House of Representatives.*

No. 1773. AN ACT TO PREVENT SHERIFFS FROM BEING PROCEEDED AGAINST BY ATTACHMENT OR RULE OF COURT, AFTER A CERTAIN TIME.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That no sheriff shall hereafter be liable to be served with any rule to shew cause, or attachment, at any time after two years from the expiration of his office; and all former sheriffs, after two years from the passing of this Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the
House of Representatives.*

No. 1774. AN ACT TO EXONERATE CLEMENT C. BROWN FROM THE PAYMENT OF INTEREST ON A CERTAIN BOND THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Clement C. Brown be, and he is hereby, entirely exonerated from the payment of the interest on a certain bond

executed by the said Clement C. Brown to the treasurers of this State, for the sum of one hundred and twenty pounds. A.D. 1801.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT TO GRANT FURTHER TIME FOR REGISTERING LIQUIDATED DEMANDS AGAINST THE STATE.

No. 1775.

WHEREAS, in and by an Act of the legislature entitled "An Act to establish the office of comptroller of the revenue and finances of the State, and for other purposes therein mentioned," it is, amongst other things, enacted, "That all persons having any legal demands against the State, who shall neglect or refuse to deliver in and register the same, on or before the first day of October, in the year of our Lord one thousand eight hundred and one, shall, from and after that day, be for ever barred and excluded as creditors of the State; and whereas, it is manifested by sundry petitions presented to the legislature at the present session, that a rigid adherence to the terms of the above mentioned Act would be highly injurious to many of the bona fide creditors of this State, who from various causes have omitted to register their claims within the time prescribed as aforesaid.

Preamble.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the treasurers of Charleston and Columbia, under the direction of the comptroller, shall cause to be again opened, in their respective offices, the books formerly kept open by them for the registry of all legal debts due by the State; which said books shall be kept open for the sole purpose of enabling the holders of all evidences of the liquidated debt of this State, (not heretofore provided for, funded or registered,) to register the same: Provided, that such registry be made on or before the first day of October next; and that from and after that day, all persons interested, who shall have neglected or refused to avail themselves of the advantages of this Act, shall be, from thence forth, for ever barred and excluded as creditors of the State; and that all claims so to be registered, shall be paid or provided for in like way and manner as the legislature shall or may enact in relation to the present registered debt of the State; and that so much and such parts of the Act first recited, passed the twenty-first day of December, one thousand seven hundred and ninety-nine, as is repugnant to this law, be, and the same is hereby, repealed.

Time extended for registering claims against the State.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

A. D. 1801.

No. 1776. *AN ACT* TO AUTHORIZE WILLIAM SORANZO QUINCE TO CHANGE HIS
PRESENT NAME TO THAT OF WILLIAM SORANZO HASSELL.

WHEREAS, William Soranzo Quince has petitioned the legislature to change his present name to that of William Soranzo Hasell :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said William Soranzo Quince be, and he is hereby, authorized to change his present name to that of William Soranzo Hasell ; and that he shall hereafter be known and distinguished in law, and in all transactions in law, wherein he may be bound or obliged, or wherein any person or persons may be bound or obliged to him, by no other name than that of William Soranzo Hasell.

W. S. Quince's
name changed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the
House of Representatives.*

No. 1777. *AN ACT* to incorporate the Antipædo Baptist Church, in the town
of Georgetown.

(Passed December 19, 1801. *See last volume.*)

No. 1778. *AN ACT* TO EXONERATE JOHN SIMPSON FROM THE PAYMENT OF A
CERTAIN OBLIGATORY WRITING, THEREIN MENTIONED.

Preamble.

WHEREAS, John Simpson, by his petition to the legislature hath prayed to be released and exonerated from a certain obligatory writing, entered into by him to Robert Dunlap, late county treasurer for Lancaster county, to refund the value of a log court-house, as it stood at the date of said writing, provided the same should be established by law ; and it appearing reasonable, just and equitable, that he, the said John Simpson, should be exonerated therefrom :

J. Simpson
released.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That he, the said John Simpson, shall be, and he is hereby, released and exonerated from the payment of the said obligatory writing, or any part thereof. And the commissioners of roads, or of the

poor, (as the case may be,) for said district, are hereby directed to deliver the above mentioned writing to the aforesaid John Simpson.

A. D. 1801.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand seven hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT TO RELIEVE RALPH SPENCE PHILIPS FROM THE PENALTIES OF THE ACT ENTITLED “*An Act for disposing of certain Estates, and banishing certain persons, therein mentioned.*” No. 1779.

WHEREAS, it appears that Ralph Spence Philips is the son of Major Ralph Philips, and the residuary legatee and devisee of his estate, and that the said Major Ralph Philips had his estate confiscated by the Legislature of this State. And whereas, it appears that a tract of six hundred acres of land on Savannah river, belonging to the said Major Ralph Philips, was sold by the commissioners of confiscated estates to Messrs. Bourdeaux and Newman, for the sum of two thousand two hundred and fifty pounds, in indents, still unpaid; and also two tracts of fifty acres each, adjoining the old district of Ninety-six, were sold by the said commissioners to John Sharps, for the sum of one hundred and ten pounds, in indents, which have been paid:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the comptroller of this State is hereby directed to transfer and deliver up to the said Ralph Spence Philips the bond and mortgage of the said tract of six hundred acres of land on Savannah river, made and entered into by the said Bourdeaux and Newman, to be disposed of as he, the said Ralph Spence Philips, shall think proper.

Confiscated property of R. Philips restored.

II. *Be it further enacted* by the authority aforesaid, That the treasurer at Charleston be directed to issue a certificate to the said Ralph Spence Philips for the fifth part of one hundred and ten pounds, and that the said treasurer be directed to register the same in the manner prescribed by law.

III. *And be it enacted* by the authority aforesaid, That the said Act entitled “*An Act for disposing of certain estates, and banishing certain persons, therein mentioned,*” so far as the same relates to the said Major Ralph Philips and his heirs and assigns, shall be, and the same is hereby, repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

A. D. 1801.

No. 1780. *AN ACT TO AMEND AN ACT ENTITLED "An Act for regulating the admission of Attornies and Solicitors to practice in the Courts of this State."*

Preamble.

WHEREAS, it hath been represented that many of the youth of this State have been sent by their parents or guardians into our sister States, there to be instructed in the science of the law; and whereas, by the existing laws of this State the said persons, though otherwise fully qualified to practice in our courts, are restricted from such privilege:

Terms of admission to the bar altered.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every person, being a citizen of this State, who hath been or hereafter shall or may be sent by his parents or guardians into any of our sister States, there to be instructed in the science of the law, and who shall or may serve a regular clerkship, or read law in the office or under the immediate direction or instruction of any practising attorney in any of the superior courts of law or equity of any of our sister States, for and during the term of four years, or for the said term of four years partly in any of our sister States and partly in this State, on their respectively undergoing an examination to the satisfaction of the judges of the respective courts of law and equity in this State, in the manner provided in and by the Act hereby intended to be amended, passed the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-six, shall be, and they are hereby declared, fit and competent to be admitted to the bar of this State; and shall, upon application, be admitted and enrolled in the usual form; any thing in the said Act hereby intended to be amended, to the contrary notwithstanding. Provided always nevertheless, that all persons claiming to be admitted under the authority of this Act, to the bar of this State as aforesaid, shall, respectively, prefer with their petitions for admission a certificate under the hand of some practising attorney, in whose office or under whose direction and instruction the applicant may have studied law, certifying the actual and precise time during which the said applicant may have so read law under his direction; and also a certificate under the hand of the clerks and the seals of the superior courts of law and equity in the State in which the said practising attorney may reside, accrediting his certificate as aforesaid, and specially certifying that the said attorney is a practitioner in the courts of law and equity in the State in which such certificate shall or may be granted or obtained.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives*

No 1781. *AN ACT* to authorize certain persons therein mentioned to bring certain Negro Slaves into the State.

(Passed December 19, 1801. See last volume.)

A. D. 1801.

AN ACT FOR THE ESTABLISHMENT OF A TOBACCO INSPECTION, AND No. 1782.
WAREHOUSE OR WAREHOUSES, IN THE TOWN OF DORCHESTER, SAINT
GEORGE'S PARISH.

WHEREAS, it has been represented to the Legislature that it would be for the advantage of the State at large that an inspection of tobacco be established in the town of Dorchester, St. George's parish :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an inspection, and warehouse or warehouses, for the inspection and reception of tobacco, shall be established and erected in the said town of Dorchester, St. George's parish, which shall be subject to all regulations, restrictions and conditions, mentioned, set forth and expressed in and by an Act of the Legislature of this State entitled "An Act for regulating the inspection and exportation of tobacco," passed the thirteenth day of March, one thousand seven hundred and eighty-nine.

II. *And be it further enacted* by the authority aforesaid, That Major Isaac Walter, Captain William Rouse, John Carr, James R. Stewart and Samuel Prior, be, and they are hereby appointed, commissioners, to fix upon the most convenient place in the said town of Dorchester, for the said inspection and warehouse or warehouses, and to make such regulations for carrying into effect this Act, as they, or a majority of them, shall deem necessary.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*
THEODORE GAILLARD, *Speaker of the*
House of Representatives.

AN ACT to appoint Commissioners to assess such parts of a lot of No. 1783.
land in Charleston, as are necessary to widen East Bay Street, and
to permit the City Council to enjoy the same as a public street, on
the payment of the sum assessed as its value.

(Passed December 19, 1801. *See last volume.*)

AN ACT TO RAISE SUPPLIES AND TO MAKE APPROPRIATIONS FOR THE YEAR No. 1784.
ONE THOUSAND EIGHT HUNDRED AND ONE; AND FOR OTHER PURPOSES
THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter men-

A. D. 1301.

tioned, shall be raised, and paid into the public treasury of this State for the use and service thereof.

Rate of taxation
on lands.

II. *And be it further enacted* by the authority aforesaid, That twenty-five cents per centum ad valorem be paid in specie or paper medium on all lands granted within this State, under the several regulations hereinafter expressed, that is to say: Class No. 1 shall contain all tide swamp of the first quality, not generally affected by the salts or freshes, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by the salts or freshes, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshes, which shall be rated at eight and a half dollars per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight and a half dollars per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; pine barren land, adjoining or contiguous thereto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality to be rated at thirteen dollars per acre; the second quality at eight and a half dollars per acre; and the third quality at four dollars per acre; excepting such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamp and low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, on the Wateree river, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands on the Sea islands, (Slann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford, and the new boundary line on Pedee, and not included in the limits or description of the two next preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in the classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one and a half dollars per acre; the second quality, at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality, at sixty cents per acre; and the third quality, at twenty cents per acre. Class

No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

A. D 1801.

III. *And be it further enacted* by the authority aforesaid, That fifty cents per head shall be levied upon all slaves; the sum of two dollars per head on all free negroes, mulattoes, and mestizoes, between the ages of sixteen and fifty years; and twenty-five cents ad valorem on every hundred dollars of the value of all lands, lots and buildings within any city, village, or borough; and fifty cents per centum on all stock in trade, fac-
Rate of taxing slaves, &c.

IV. *And be it further enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property or the estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, or the Fellowship Society, or of the estate of the late Doctor De la Howe, devised for charitable purposes, and that part of the estate of the late Thomas Wadsworth which was devised for the establishment of a school, or the Clarendon High Hills of Santee, or Camden Orphan Societies, or the Columbia Academy, or the lands and funds owned by the Free School of Dorchester, or the public lands held by the corporation of Charleston, or the lands and funds of any society applicable to the education or maintenance of public schools.
Slaves employed on Indian lands.

Exceptions.

V. *And be it further enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any young man sent abroad for his education, until he attains the age of twenty-three years; or the property of any person now absent from the United States, unless such person has been absent for one year.
Absentees double taxed.

VI. *And be it further enacted* by the authority aforesaid, That the enquirers, assessors and collectors appointed by law shall do and perform all and singular the duties of their offices, according to the Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein;" and that on closing their accounts with the treasury, and not before, they shall receive seven and a half per centum on the amount collected, excepting the collectors of St. Philip's and St. Michael's parishes, who shall receive in like manner three and an half per centum.
Powers and compensation of enquirers, assessors, &c.

VII. *And be it further enacted* by the authority aforesaid, That the assessors, collectors and enquirers, respectively, shall begin their enquiry on the first day of February next; and where all the collectors who were appointed for any parish or county are dead, and the tax returns are not closed with the commissioners of the treasury, the collector who shall be thereafter appointed is hereby directed and ordered to demand receipts or administer an oath, or to procure other satisfactory proof from the inhabitants of the county or parish, in order to ascertain whose taxes might be still due,
Returns of former taxes to be made.

A. D. 1801.

and to enable the public to discover what sums of money might be due by the deceased tax collectors; and if any of the executors or administrators of any deceased tax collector neglect or refuse to produce the accounts of the deceased, or give all the information in their power on the subject, the treasurer is hereby ordered to proceed according to law against the estates of the deceased tax collectors.

What shall be received for taxes.

VIII. *And be it further enacted* by the authority aforesaid, That the tax collectors throughout the State shall receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance in gold or silver at the bank of the United States, the branch thereof in Charleston, or the bank of South Carolina, or the State Bank, or certain certificates for the pay of the members of the Legislature, or the Solicitors, for their attendance in the Legislature.

Time of payment of taxes.

IX. *And be it further enacted* by the authority aforesaid, That all persons liable to pay the taxes hereby imposed, shall, on or before the first day of March next, give in a true and just return of all slaves, and of the quality and quantity of lands, as directed and required by this Act, which they may hold or be entitled unto, in his, her or their own right, or in the right of any person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever; and shall, on or before the first day of May next, pay their taxes to the collector of that collection district where the party making such return, either by himself or his or her family, may reside the greater part of the year. And that the said assessors and collectors shall pay the same, and settle their accounts with the treasury, on the first day of July next.

Land owned by persons out of the State.

X. And whereas, tracts of land within this State have been sold in some of the United States and foreign countries, and the owners thereof are supposed at present to pay no tax whatever; *Be it therefore enacted* by the authority aforesaid, That it shall be the duty of, and it is hereby enjoined on, all tax collectors to enquire for all such land, and collect tax and arrears of taxes thereon; and if the taxes thereon and the arrears of taxes thereon shall not be paid at or before the time hereinbefore appointed for the payment of the general tax, then the tax collectors, after giving twelve months notice in the State Gazette, shall proceed to sell the same, or so much thereof as will be sufficient to pay the taxes and the arrears of taxes and the costs incurred, of those who make default in paying their taxes.

XI. *And be it further enacted* by the authority aforesaid, That the Comptroller be, and he is hereby, authorized and required publicly to call on the commissioners in the several districts throughout the State who have received monies for the construction and repairs of public buildings, and the commissioners of Columbia, to render an account to him of the application of such monies, which accounts shall be laid before the legislature, at the next session.

All payments to be at the treasury.

XII. *And be it further enacted* by the authority aforesaid, That the treasurers shall not hereafter draw any order or check, or make any draft on any tax collector in this State, in favor of any person having any claim or demand on the treasury of this State; nor shall the treasurers make payment to any person having any claim against the State, even though allowed by law or provided for by the Legislature, but at the treasury office at Charleston or Columbia, except as is provided in the Act entitled "An Act to authorize the treasurers to pay certain persons therein mentioned their annuities, and regulating payment to annuitants." And no

tax collector shall receive or take in payment of taxes due by any person any order, draft or check of either of the treasurers.

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XIII. *And be it further enacted* by the authority aforesaid, That the treasurers in Charleston and Columbia shall procure to be printed so many blank tax returns adapted to the nature of the taxes which the legislature shall from time to time impose, as will be necessary under this Act; and the said treasurers shall furnish each tax collector in their divisions respectively with so many of the said blanks as will enable him to perform the duties required by this Act. And each and every tax collector shall, and he is hereby authorized and required to, demand and take from each and every person making a tax return, two copies of such return, signed and sworn to as the law directs, to be made out on the said blanks, of all the property owned by him, her or them, on the first day of October last.

Blank returns to be furnished.

XIV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of each and every tax collector throughout the State to make out a duplicate of the general return which he is by law directed to make to the treasurer, and to inclose the same, together with the duplicate of the tax returns by this Act directed to be taken from the individuals of their respective counties, parishes and districts, in a packet directed to the comptroller and sealed up; which packet each and every tax collector is hereby required to transmit to the treasurers respectively, on or before the first day of October, in each and every year, to the intent that by the due examination thereof by the comptroller, any improper conduct in the tax collectors may be detected. And should any of the tax collectors aforesaid fail to perform the duties required by this and the next preceding clause, he shall forfeit and pay the sum of one hundred dollars, to be recovered of him by any person suing for the same in any court having competent jurisdiction.

Return of general tax to be made to the Legislature.

XV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers to report to the house at their annual session every instance of default in any tax collector in his division, and to instruct the attorney general or solicitors respectively, to prosecute such defaulters, as soon as any instance of default shall occur. And it shall be the duty of the said treasurers respectively, strictly to enforce the means which they are by law authorized to make use of, to compel the tax collectors to the due performance of their duties; and in case any treasurer shall fail to make use of such means, he shall be held to make good any loss which the State shall sustain thereby.

Defaulters, how to be proceeded against.

XVI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of every tax collector in this State when he makes his general return of taxes, to annex thereto a list of all the taxable property in his district which has come to his knowledge, and is not returned to him, describing such property in the most particular manner he can, and annexing thereto the name or names of the owner or reputed owner or owners of such property.

Property not returned.

XVII. *And be it further enacted* by the authority aforesaid, That any person who shall make any return of any taxable property to any of the tax collectors of this State, shall specify in such return not only the parish or district in which the lands returned are situated, but also the parish or district in which any slaves returned are employed or reside.

XVIII. *And be it further enacted* by the authority aforesaid, That the tax collectors of St. Philip's and St. Michael's, in Charleston, shall, monthly, and on the first Monday in every month, from and after the first day of March next, upon oath, make due and true returns of all monies which shall have been received by them during the preceding month.

In Charleston, returns to be made monthly.

XIX. *And be it further enacted* by the authority aforesaid, That if any

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Tax collectors
to make no dis-
crimination.

tax collector or collectors shall make any distinction or discrimination of persons in issuing executions, the taxes of such person (in addition to the lien which the State has on the property of such person,) shall be considered as thereby assumed by such tax collector or collectors; and the treasurers at Charleston and Columbia are directed and enjoined, in their different departments, to debet such tax collector or collectors, so misbehaving, with all such arrearages of tax, and to issue executions therefor immediately against each and every of them, and to lodge such executions with the sheriff of the district in which such collector or collectors reside and shall have property. And if any sheriff or sheriffs, in whose hands such execution shall be lodged, shall make any distinction or discrimination of persons, in levying the said execution, or shall retain the same for a longer time than two months, without making a return of the same, he is hereby made chargeable with the said execution, in addition to the liability of the collectors and individuals so originally in arrear for taxes as aforesaid.

Taxes to be dis-
counted from
creditors of the
State.

XX. *And be it further enacted* by the authority aforesaid, That no person holding any office of profit under this State, or having any demand against the State, shall be entitled to receive any sum of money which may be due to him from the State until his taxes are first paid and satisfied; and the treasurers are hereby positively directed, before they shall pay to any person holding any office of profit or having such demand, the sum that may be due to him, to require of him a receipt from the tax collector where such person resides or ought to pay his tax, stating that his taxes are paid and satisfied. And upon neglect or refusal of any person holding such office or having such demand, to produce such receipt, the treasurers are hereby directed not to pay such person the sum or sums of money which may be due to him, until satisfactory proof is made to them that such taxes have been paid, or the parties agree to discount the same. And if the treasurer should pay to any person holding any office of profit or having any demand as aforesaid, any sum which may be due to him, without having such receipt produced or discount made as above required, he is hereby declared to be liable for all losses which may arise to the State therefrom.

Time of pay-
ment of the pa-
per medium.

XXI. *And be it further enacted* by the authority aforesaid, That the instalments on the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid as directed by the Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and seven. Provided, that no person shall be entitled to the benefit of this clause who shall not give additional security, if required, to the treasurer at Charleston, in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which may be made in paying the interest to grow due on the first day in March next.

Poor tax.

XXII. *And be it further enacted* by the authority aforesaid, That the tax collectors throughout the State, in their several parishes and election districts, shall be, and they are hereby, authorized and required to collect the poor tax in the several parishes and election districts; and they shall be allowed the usual commissions for so doing.

Mutilated pa-
per medium
bills to be
burnt.

XXIII. *And be it further enacted* by the authority aforesaid, That the mutilated paper medium bills now lying in the treasury in Charleston, to the amount of fifteen thousand five hundred and sixty-five dollars seventy-three cents, be burnt and destroyed; and that it shall be the duty of the treasurer in Charleston, some time before the meeting of the ensuing legis-

lature, in the presence of the comptroller and a majority of the standing committee of the legislature, to burn and destroy the said mutilated bills, to the amount before specified.

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XXIV. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act to each of the collectors appointed by law throughout this State, within one month after passing this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

Copies of this Act to be furnished.

XXV. *And be it further enacted* by the authority aforesaid, That the pay hereinafter to be provided for the support and maintenance of the magazine guard, shall be restricted to that of an officer, a sergeant, and six men; and that the sum of two thousand and two hundred dollars be appropriated for the payment of the said guard, under the direction of the comptroller.

Magazine guard.

XXVI. *And be it further enacted* by the authority aforesaid, That no person or company shall, on any pretence whatsoever, issue or re-issue any note or notes in the nature of bank notes, or otherwise, on the credit of the paper medium of the State; and such notes aforesaid as shall be in circulation, bottomed on the paper medium, shall be immediately called in; and the treasurers and tax collectors are hereby forbidden, under the penalty of losing their offices and forfeiting the sum of one thousand dollars, from receiving such notes as are hereby forbidden, in payment of taxes or duties; and every bank, and persons associated for banking, issuing or re-issuing such notes, shall forfeit and pay the sum of ten thousand dollars, which shall be recovered by action in any of the courts of law in this State. And that it shall be the duty of the comptroller to enquire into and examine whether such notes are in circulation, and give information accordingly to the attorney general, whose duty it shall be to bring suit or suits accordingly.

No banking to be allowed on the paper medium.

XXVII. *And be it further enacted* by the authority aforesaid, That all the public arms which now are or hereafter may be purchased on behalf of this State, shall, by order of his Excellency the Governor, be equally distributed among the several brigades of militia of this State; and that the several and respective brigadier generals shall and may allow the said arms to be sold for costs and charges among the men of his brigade, and cause the money arising from such sale to be paid into the public treasury, to be appropriated for the purchase of other arms, to be distributed in manner aforesaid: Provided nevertheless, that no one man shall be permitted to purchase more than what shall be sufficient to arm himself of the arms aforesaid.

Public arms to be distributed.

XXVIII. Whereas, there are many wealthy citizens of this State who derive very considerable revenues from monies which produce an interest, and who do not contribute a due proportion to the public exigencies of the same; *Be it therefore enacted* by the authority aforesaid, that each and every enquirer, assessor and collector shall, on their enquiry for their returns of the taxes of this State for the year one thousand eight hundred and one, administer the following oath to all such persons as may be liable to pay the same, viz: "I, A. B., do solemnly swear (or affirm, as the case may be,) that the account which I now give in is a just and true account of the quantity and quality of the lands, and the number of slaves, and the sum or sums of money which have produced me an interest since the first day of October, one thousand eight hundred and one, in any manner whatsoever, which I am possessed of, interested in, or entitled to, either in my own right or in the right of any other person whomsoever, either as guardian, executor, agent, attorney, trustee, or in any manner whatsoever, according to the best of my knowledge or belief; and

Tax on money at interest.

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that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked me touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever, so help me God:" and upon every sum or sums of money at interest actually received, over and above what each person pays on account of interest, except where such interest money is received by any widow, orphan or unmarried woman, having no other means of livelihood, the said assessor, enquirer or collector, or enquirers, assessors or collectors, to whom the same shall be returned, shall assess the sum of twenty-five cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportional sum on all other sums of money drawing less than seven per cent., to be recovered in like manner, in case of default, as the collectors are authorized by law heretofore to do on their returns of lands and slaves.

Penalty.

XXIX. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, they shall be liable to suffer the same forfeitures and pay the same penalties as are authorized by law in case of their refusing or neglecting to make return of his, her, or their lands or slaves.

Sheriffs to collect tax executions.

XXX. *And be it further enacted* by the authority aforesaid, That the several and respective tax collectors in this State shall place their warrants against any person or persons who shall make default of payment of their taxes, for collection in the hands of the sheriffs of the districts respectively, and in the hands of no other person or persons whomsoever; and the sheriffs shall be entitled on the service of such warrants to the usual mileage on the service of executions.

XXXI. *And be it further enacted* by the authority aforesaid, That the tax collectors shall take the sheriff's receipt for such executions as shall have been issued for taxes, which they shall respectively produce in settlement with the treasurer. And it shall be the duty of the treasurer to transmit to the comptroller, without delay, a certified copy of all such receipts, to the end that the comptroller may be enabled to inspect the conduct of the sheriffs therein.

Land bought in by the State to be sold.

XXXII. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums borrowed by them, and sales have been made of the lands mortgaged to secure said loan, and the treasurers have bought in the said lands for defect of bidders, and the same remain on the hands of the State, unproductive; *Be it therefore enacted* by the authority aforesaid, That the treasurer shall be, and is hereby, authorized and directed to cause all the lands bought in as aforesaid to be put up to sale, in the districts in which they severally lie, by the sheriffs of the said districts, on a public sale day, after giving three months notice thereof, and shall sell the same to the highest bidder; and such purchaser shall pay one fourth part of the purchase money in cash, at the time of the sale, and the remaining three fourths in one and two years; for the performance of which he shall give his bond and mortgage of the premises, and also personal security, to be approved of by the sheriff and three commissioners residing in such district, to be nominated by the treasurer. Provided, that no sale of the said mortgaged lands shall take place when any person interested in the same shall tender one third part of the sum due, together with the expenses incurred, and give bond, mortgage and security, as is herein before directed, for the balance due, payable in one and two years, previous to the day of sale; and that the said mortgaged property shall thereupon vest in the party so paying and giving security as aforesaid.

XXXIII. And whereas, many tracts of land which are under mortgage to the State, will shortly be brought to sale; to prevent their being sold at prices beneath their value, *Be it enacted* by the authority aforesaid, that the comptroller is hereby authorized and required to put up for sale, in the districts where they respectively lie, by the sheriffs of the said districts on a public sale day, after three months public notice thereof; and the same shall be sold to the highest bidder under the direction of commissioners to be appointed by the comptroller, and approved of by the Governor or commander-in-chief for the time being; and the comptroller shall furnish the commissioners aforesaid with the amount of debts for which the said lands are mortgaged; and it shall and may be lawful for the said commissioners to cause to be bid in, on account of the State, any of those lands which may not be bid up to the amount of the debt for which they may have been mortgaged, or which they may think have not been bid to their value; provided, that in no case shall the commissioners aforesaid be authorized to bid any such lands, on account of the State, to an amount greater than the debt for which they may have been mortgaged, with interest calculated thereon.

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Mortgaged land, how to be sold.

XXXIV. *And be it enacted* by the authority aforesaid, That it shall be the duty of the treasurer, in the monthly reports which he is required to make to the comptroller, to state the amount of all sums of money which he shall or may receive or pay away on behalf of the State, particularizing the person and his office of whom he receives and to whom he pays, as well as on what account he has received, and for what purposes he has paid, such sums.

Monthly reports.

XXXV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers, at any time when required by the comptroller, severally and respectively, to produce to him a satisfactory statement of the cash on hand, and shall promptly furnish him with official information, duly certified, whenever applied to do so, relative to any matter connected with the revenue and finances of the State, of every denomination and description, within their several and respective departments and divisions.

Treasurers to account to Comptroller.

XXXVI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers to pay the salaries of all public officers on the civil list, quarterly, and not earlier.

XXXVII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers, and they are hereby directed, severally, to raise an account in the treasury books, in every instance, for the several appropriations made by the Legislature, so that the appropriations of money, and the application thereof, conformably thereto, may appear clearly and distinctly on the treasury books.

Accounts of appropriations.

XXXVIII. *And be it enacted* by the authority aforesaid, That the treasurers shall forthwith open in their respective books an account in the name of the State of South Carolina, in which account they shall enter the amount of all sums now in the treasury unappropriated: and in like manner shall enter all sums of the same nature that hereafter shall be received by them respectively; which sums are hereby placed under the superintendence of the comptroller, to be applied at such time and in such manner, for the purposes aforesaid, as he and the said standing committee of the legislature shall in their discretion think fit, by drafts, to be made by the comptroller on the treasury. And the said comptroller is hereby required to render, annually, to the Legislature, a full account of his transactions.

Unappropriated money in the treasury.

XXXIX. *And be it enacted* by the authority aforesaid, That the securities of the several tax collectors, who may be hereafter appointed in this State,

Securities of tax collectors.

A. D. 1801.

shall be approved of by the commissioners who approve of the securities given by the sheriffs of the several districts in which they may be appointed respectively.

Appropriation.

XL. *And be it further enacted* by the authority aforesaid, That the several sums hereinafter mentioned shall be, and are hereby, appropriated for the several purposes following, to wit: for defraying the expenses of the civil list, as per estimate (No. 1) number one, hereunto annexed, a sum not exceeding seventy-two thousand two hundred and seventy-eight dollars; for defraying the contingent and extraordinary expenses of government, as per estimate (No. 2) number two, hereunto annexed, a sum not exceeding two hundred and eighty-two thousand three hundred and ninety-seven dollars, fifty-eight cents. And that the said several sums shall be paid out of the funds following, namely, the general taxes imposed by this Act, and all arrears of debts, duties and taxes whatsoever, which have been collected or may be collected for the use of the State, and not otherwise appropriated by law.

Funded debt to be bought in.

XLI. *And be it further enacted* by the authority aforesaid, That the balance of interest which now remains or shall hereafter remain to this State on the debt due by the United States, after paying the interest due on the funded debt of this State, and the amount of the principal which may be paid on the principal of the debt due to this State by the United States, shall be, and the same is hereby, appropriated to the purchase or redemption of the funded debt of this State, by the treasurer of the lower division, under the direction of the comptroller and standing committee of the Legislature; and all balances of cash which may remain in the treasury of this State after paying the appropriations made by law, shall and may be applied, in the same manner, to the same use and purpose.

W. B. Farr.

XLII. *And be it enacted* by the authority aforesaid, That the comptroller be, and he is hereby, authorized to deliver up to John Splatt Cripps, the security of William Branford Farr, late tax collector of St. Andrew's, his bond to the State, on the payment of the penalty thereof, and on such payment to execute a receipt and release to the said John S. Cripps, as administrator of the said Farr, for all arrears of taxes due by him as tax collector aforesaid.

Registered debt.

LXIII. *And be it further enacted* by the authority aforesaid, That the amount of registered debt, as reported by the comptroller, shall be redeemed on the following principles, viz: each and every proprietor of the evidences of the debt so registered, on producing the same to the comptroller, shall be entitled to receive his warrant on the treasury in Charleston for the full amount of the principal and one half of the amount of the interest due on each certificate up to the time of presenting the same.

Six per cent. debt.

LXIV. *And be it further enacted* by the authority aforesaid, That if at a meeting to be had by the comptroller with the standing committee of the Legislature, on the first Monday in April next, after a review of the funds of the treasury, it shall to them seem convenient and proper to call in and redeem any portion or part of the six per cent. debt of this State then in circulation, it shall and may be lawful, and the comptroller is hereby directed, to give public notice that on the first day of July, in the year one thousand eight hundred and two, such part as may be agreed on, so as the same does not exceed one half of the said six per cent. debt with the interest up to that period, will be paid at the treasury in Charleston; and that no payment shall be made of the said reimbursement of the said six per cent. debt but to the proprietor or proprietors of the evidences of the debt, or their attorneys, duly authorized for that purpose; and to prevent

frauds upon the public, it shall be the duty of the treasurer to indorse on the back of each stock certificate the payments so made.

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LXV. *And be it further enacted* by the authority aforesaid, That an Act entitled "An Act prescribing, on the part of this State, the times, places and manner of holding elections for representatives in the Congress of the United States," passed on the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, be, and the same is hereby, repealed.

Former Act repealed.

LXVI. And whereas, it is expedient that the State of South Carolina should make a purchase of the patent right of Messrs. Miller and Whitney, to the making, using and vending, within the limits of this State, of a certain new invention of a machine, commonly called a saw gin, for cleaning the staple of cotton from the seed; and whereas, it is proper that the Legislature of this State should provide for the payment of the same; *Be it therefore enacted* by the authority aforesaid, That the comptroller of the revenue and finances of this State shall be, and he is hereby, authorized and required to draw his warrant in favour of the said Miller and Whitney, or either of them, or their order, or to the executors or administrators of either of them, or their order, on either of the treasurers of this State, for the sum of twenty thousand dollars, payable at sight; and the said comptroller is further authorized and required, at the same time, to draw on either of the treasurers of this State, three several other warrants, for ten thousand dollars each, payable to the said Miller and Whitney; the first warrant on the first day of September next; the second of these warrants payable on the first day of September, which will be in the year of our Lord one thousand eight hundred and three; and the remaining warrant to be made payable on the first day of October, eighteen hundred and four: to the payment of which several orders or warrants, amounting in the whole to fifty thousand dollars, the good faith of this State is hereby pledged. Provided nevertheless, that the said Miller & Whitney shall, before the drawing of such warrants, as above directed by the comptroller, make and execute a deed of assignment, bargain and sale, and release to the said comptroller, for and on behalf of the State of South Carolina, of their patent right to the exclusive making, using and vending the said new invention of the saw-gin within the limits of this State, and of all other improvements, alterations and amendments, within the limits aforesaid, which they or either of them shall make or discover, in the construction of the said machine, founded upon the principles of the invention of the saw gin: and provided also, that the said Miller & Whitney shall, by their said deed, agree to refund all such sums of money, obligations, or notes of hand, as they or either of them, or their agent, may have received, for their licence or licenses to use the said inventions, from any citizens or other persons within the limits of this State; and shall also engage and agree to make and deliver to the said comptroller for the State, two of the said machines of the most approved size and construction; one of which shall be lodged in Charleston in the office of Secretary of State, and the other in the office of Secretary of State in Columbia. And provided also, that nothing herein contained shall be intended, or meant to be intended, to give to any citizen, or other person or persons within the limits of this State, the right of making or selling for exportation, or of exporting beyond the limits of the United States, any of the machine aforesaid, or of any parts thereof.

Appropriation for purchasing Whitney's cotton-saw-gin.

XLVII. *And be it enacted* by the authority aforesaid, That a tax of fifty cents shall be, and is hereby, laid upon each and every saw, or annular row of teeth, in each and every saw gin, for ginning of cotton, within

Tax on saw-gins.

A. D. 1801. this State, to be paid by the owner or owners of such gins, who have used the same since the first day of October last, or who shall use the said gins before the first day of April next; and the several tax collectors throughout this State are hereby authorized and empowered to assess, levy and collect the said tax, in like manner as other taxes are by law assessed, levied and collected.

ESTIMATE

Of supplies wanted for the support of Government, for the year 1801, and to discharge demands incurred in the year 1801.

ESTIMATE NO. 1.

SALARIES AND OTHER EXPENSES, AS SETTLED BY LAW.

The Governor's salary,	-	-	-	-	-	\$2,572 00
Secretary to the Governor,	-	-	-	-	-	430 00
Six Judges of the Courts of Law, each \$2,572,	-	-	-	-	-	15,432 00
Three Judges of the Court of Equity, each \$2,144,	-	-	-	-	-	6,432 00
Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, in addition to his other duties,	-	-	-	-	-	860 00
Three Circuit Solicitors, each \$500,	-	-	-	-	-	1,500 00
Clerk of the Court at Columbia,	-	-	-	-	-	140 00
Clerk of the Court at Charleston,	-	-	-	-	-	140 00
Sheriff of Richland, for attending on the Constitutional Court at Columbia,	-	-	-	-	-	50 00
Sheriff of Charleston, for attending the Constitutional Court at Charleston,	-	-	-	-	-	50 00
Expenses of the members of the Legislature at the present session, and pay of the Solicitors attending the Legislature,	-	-	-	-	-	10,500 00
Clerk of the Senate, and Clerk of the House of Representatives, each \$1230,	-	-	-	-	-	2,460 00
Two Messengers, each \$216,	-	-	-	-	-	432 00
Two Doorkeepers, each \$216,	-	-	-	-	-	432 00
For extra services to Benjamin Hicks, messenger to the Senate,	-	-	-	-	-	50 00
Keeper of the State House, at Columbia, his salary, fixed at \$130,	-	-	-	-	-	130 00
Comptroller's salary,	-	-	-	-	-	2,500 00
Comptroller's clerks, and stationary,	-	-	-	-	-	1,600 00
Treasurer in Charleston, for salary as Treasurer, and for transacting the business of the Loan Office, and clerks,	-	-	-	-	-	2,658 00
Treasurer in Columbia, for his salary,	-	-	-	-	-	1,290 00
Clerk to the Treasurer in Columbia,	-	-	-	-	-	400 00
Adjutant General,	-	-	-	-	-	1,500 00
Nine Brigade Inspectors, each \$216,	-	-	-	-	-	1,944 00
Arsenal keeper and Powder receiver in Charleston,	-	-	-	-	-	216 00
Ditto Ditto ditto at Abbeville Court House,	-	-	-	-	-	50 00
Arsenal keepers and powder receivers for Camden, Georgetown and Beaufort, each \$50,	-	-	-	-	-	150 00
Contingent fund, subject to the Governor's draft, he to submit an annual account of expenditure,	-	-	-	-	-	6,000 00
Port Physician, salary,	-	-	-	-	-	600 00
State Printer's salary,	-	-	-	-	-	1,158 00
Pilot for bar and harbor of Georgetown,	-	-	-	-	-	322 00
Annuities, -	-	-	-	-	-	4,500 00
Transient poor, payable to the City Council of Charleston,	-	-	-	-	-	4,280 00
Salary of the keeper of the lazaretto of the port of Charleston,	-	-	-	-	-	500 00
For expenses for carrying into effect the Quarantine law,	-	-	-	-	-	1000 00
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						\$72,278 00

ESTIMATE NO. 2.

Extraordinaries and Contingent Accounts.

Contingent accounts of the lower division, payable by the Treasurer in Charleston, as reported on by the Comptroller, and agreed to by the Legislature,	\$8,782 21
Contingent accounts of the upper division of the Treasury, payable by the Treasurer in Columbia, as reported on by the Comptroller, and agreed to by the Legislature,	11,140 00
Compensation to Simon Taylor, ingrossing Clerk in the absence and sickness of two solicitors, eleven days—at four dollars each,	68 00
For purchasing cases for depositing and safe keeping the records of the Court of Equity in Charleston, and fitting up the Equity Chamber,	300 00
For Mary Norton, for her negro slave executed for larceny,	122 44
For Daniel Smith, compensation for extra service as assessor in Charleston,	120 00
For building a court house at Columbia, for the use of the district of Richland, and for the use of the Judges when sitting at Columbia,	4,900 00
For Dr. Robert Pringle, to reimburse him so much recovered from him by Mrs. Kingsley, the widow of Zephaniah Kingsley, for dower in lots confiscated and sold, £261 8s. 3d.,	1,120 50
The Rev. Mr. Reid, for performing divine service during the session,	100 00
For the erection of a college and suitable buildings at Columbia for the accommodation of the officers and students of the college, to be drawn out of the treasury as occasion requires,	50,000 00
For repairs to the state house, and out buildings at Columbia, in aid of the balance in their hands,	800 00
For the opening of Broad River—to be drawn out of the treasury by the commissioners, on the Comptroller's warrant,	10,000 00
For finishing the Magazine and Arsenal at Georgetown, agreeably to the estimate of the commissioners,	1,500 00
For repairs of the gaol in the town of Beaufort, to Robert Barnwell, Thomas Talbird and John Rhodes, commissioners,	500 00
For Henry Rutledge, compensation for a negro named Frank, executed for a crime, agreed to be paid, but not provided for in last year's estimate,	122 44
For the State House, due James Douglass,	168 48
Amos Pilsbury, administrator of Edward Tash, for a negro executed,	122 44
Thomas Wash, for taxes over-paid by him to the tax collector of Abbeville,	18 00
Julius Martin, as compensation for wound received whilst acting as a guard at Laurens gaol,	39 50
For repairs to the quarters of Capt. Lavacher, (at the Magazine in Charleston,)	200 00
Adrian Proveau, for arrear of salary as keeper of the Lazaretto,	95 60
Jacob Sass, for a carpet provided for the Senate Room,	140 00
For repairs of the Lazaretto in Charleston harbour, and building a cistern,	800 00
Pension to Andrew Adams,	22 00
Samuel Omelvery, as additional pay for building Chester gaol,	500 00
John S. Crippes, agreeably to a joint resolution, being excess over-paid by him to the Comptroller, as the security of Cudworth & Waller,	268 85
For the purchase of the registered debt, agreeably to provision of the Act,	109,915 74
John Calvert's account against the Senate,	83 75
James Douglas, for repairs to Senate Chamber,	6 00
For the purchase of swords and pistols, for the Cavalry,	15,000 00
For the purchase of brass field pieces, muskets and bayonets,	30,000 00
His Excellency the Governor, to reimburse him the expense of his house hire in Columbia,	250 00
For payment of a debt due Baron Vanderwyck, a sum not exceeding	2,500 00
For survey of Saluda River, by order of commissioners appointed by law,	66 50
For building a goal and court house in Horry district,	5,000 00

A. D. 1801.	First and second instalments to Mr. Whitney, on the purchase of the right to his patent,	\$0,000 00
	For the share of the State in the State Bank, in 6 per cent. stock,	\$300,000 \$292,397 58

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

No. 1785. *AN ACT* PRESCRIBING, ON THE PART OF THIS STATE, THE TIMES, PLACES AND MANNER OF HOLDING ELECTIONS FOR REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES.

Preamble. WHEREAS, by the census of the inhabitants of the United States, taken in conformity to the constitution and law thereof, it appears that this State is entitled to elect eight members of the House of Representatives of the United States:

Election districts. 1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That this State shall be, and is hereby, divided into eight districts, for the purpose of electing representatives from this State to the Congress of the United States; of which the district of Charleston shall constitute one district; that the united districts of Beaufort, Barnwell and Edgefield, shall constitute one election district; that the united districts of Georgetown, Horry, Marion, Darlington and Marlborough, shall constitute one election district; that the united districts of Orangeburgh, Colleton and Richland, shall constitute one election district; that the united districts of Sumter, Kershaw, Lancaster, Fairfield and Chesterfield, shall constitute one election district; that the united districts of Abbeville, Laurens and Newberry, shall constitute one election district; that the united districts of Chester, Spartanburg, Union and York, shall constitute one election district; and that the united districts of Pendleton and Greenville, shall constitute one election district. And each of the said eight districts shall send one representative from this State to the House of Representatives of the United States, who shall be chosen by the persons qualified to vote for members of the House of Representatives of this State.

Each district to send one Representative to Congress.

Mode of conducting election. II. *And be it further enacted* by the authority aforesaid, That the next election of representatives from this State to Congress shall be held on the first Monday of February next, and the day following, by the same managers, and at the same places, and to be conducted in the same manner, as the elections of members for the State legislature. And after the day last aforesaid, the said elections shall always be held at the same times and places, and be regulated and conducted by the same managers, and in the same manner, as the elections of members of the State legislature; and the person who, at any of the said elections, shall have the greatest number of votes in any of the aforesaid districts, shall be the member for that district

to the House of Representatives in the Congress of the United States from this State. A. D. 1802.

III. *And be it further enacted*, That the managers in the several election districts throughout this State, shall, within twenty days after any election, transmit the ballots by them respectively taken, to Columbia, safely and securely enclosed in paper, sealed with their seals, and directed to the Governor or Commander-in-chief of the State, or to the secretary of this State, by a person by them to be employed particularly for that purpose, who, at the time of receiving the said packet, shall take an oath before some magistrate, "Safely to convey and deliver such packet, agreeable to the directions, (sickness and unavoidable accidents excepted,) and in case of sickness, that he will deliver the same in good order, and the seals unbroken at the time of such delivery, to some other person to be conveyed to Columbia." And the Governor, or the Secretary of State, (as the case may be,) on the receipt of any such packet shall cause to be administered to the person delivering the same, the following oath: "I, A. B. do solemnly swear, (or affirm, as the case may be,) that the paper or packet now delivered by me, with the contents, were placed in my hands by the managers of the election district of _____ (or by _____ in case he hath received the same from the messenger first intrusted,) and that the said packet hath not been delivered out of my custody to any person since the same was delivered to me; nor hath such paper or packet been opened by me, or any other person, to my knowledge, or with my connivance or consent: so help me God." Which paper or packet so delivered shall be received by the Governor or Secretary; and the several persons who shall be employed in conveying the said packets to Columbia from the several election districts in this State, shall be entitled to receive and shall be paid three dollars per diem, for coming to and going from Columbia, allowing forty miles for each day's journey.

IV. *And be it further enacted*, That the Governor or commander-in-chief for the time being, or in case of his sickness, death, or absence, the Lieutenant Governor, on the fourth Monday in February next, for the first election to be held by virtue of this Act, and on every first Monday in December next after each succeeding election, shall cause the said returns to be publicly opened, examined and counted, in his presence, at Columbia, by three or more commissioners to be by him, and under his hand and seal, appointed for that purpose; and shall ascertain the number of votes given at the different elections for every person, and what eight persons shall have, respectively, the greatest number of votes in the said several districts, and shall then deposit the original poll of each of the said eight districts in the office of Secretary of State; and after having ascertained what eight persons have been elected as before directed, he shall notify by proclamation, that those persons have been duly elected members of the House of Representatives in the Congress of the United States, from this State: Provided, that if both the Governor and Lieutenant Governor should be absent from Columbia, the Secretary of the State, together with three commissioners to be appointed as herein before directed, shall and may open and count the votes, and ascertain the eight persons elected as aforesaid, and transmit the result thereof to the Governor, or, in case of his absence or death, to the Lieutenant Governor, to be notified by proclamation as aforesaid: Provided also, that the three commissioners to be appointed as aforesaid, shall, in all cases, before they proceed to act in the premises, take an oath before some magistrate, "that they will faithfully and impartially, and to the best of their skill, discharge the duties required of them by this Act."

Ballots to be sent to Columbia.

Oath.

Compensation to persons conveying ballots to Columbia.

When and by whom votes are to be counted.

Elections to be proclaimed by the Governor.

A.D. 1802.

Votes to be counted by the managers of elections.

How to proceed when a person is returned for two or more districts.

V. *And be it further enacted*, That the managers of the said elections be, and they are hereby, required, the next day after the poll shall be closed, to count over, in a public manner, the ballots which shall be given in the respective election districts, for the respective candidates or persons balloted for; and the said managers shall keep an account, in writing, of the number of votes which each candidate shall have; and shall also transmit to the Governor, with the ballots, a duplicate of such account.

VI. *And be it further enacted*, That in case the said person should be returned for two or more districts, he may, within twenty days after due notice shall be given him thereof, choose for which district he will serve; and on his making such choice, or neglecting so to do within the said term, the Governor or commander-in-chief shall direct another election to be held, within twenty days thereafter, for the vacant district or districts, to be conducted as is before directed by this Act; and the Governor and commander-in-chief shall proceed in the same manner where the member elected in any of the said eight districts refuses to serve, or omits to signify to the Governor or commander-in-chief within twenty days after he has received due notice of his election, his intention of serving; and in case of the death of any person elected, or if his seat shall become vacant by any other means, or if two or more persons shall have equal votes for the same district, the Governor or commander-in-chief shall order a new election, as the case may require, to be conducted as is herein before prescribed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and two, and of the Independence of the United States of America the twenty-seventh.

JOHN WARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

No. 1786. *AN ADDITIONAL ACT* FOR THE MORE EFFECTUAL PREVENTION OF GAMING.

Preamble.

IN order the more effectually to prevent gaming at taverns, inns, stores for the retailing spirituous liquors, and other public houses; and also in streets, high-ways, woods and race-fields, which must often be attended with quarrels and controversies, the impoverishment of many people and their families, and the ruin of the health and corruption of the morals and manners of youth, who in such places frequently fall in company with lewd, idle, disorderly and dissolute persons, who have no other way of maintaining themselves but by gaming:

Games not to be played at.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person or persons shall, at any time after the passing of this Act, play at any tavern, inn, store for the retailing spirituous liquors, or in any other public house, or in any street, high-way, or in any open wood, high-way, race-field or open place, at any game or games, with cards or dice, or at any gaming table, commonly called A B C or E O, or any gaming table known or distinguished by any other letters or by any figures, or rowley powley table, or at *rouge et noir*, or at any faro bank, or at any other gaming table or bank of the same or the like

kind, under any denomination whatsoever; except the games of billiards, bowls, backgammon, chess or draughts; or shall bet on the sides or hands of such as do game; any justice of the peace or of the quorum may, upon view, or information upon oath made before him, bind over to appear at the next court of sessions of the district in which such play shall be carried on, all and singular the said persons who shall so play or bet; and shall require him or them to give security for his or their appearance thereat; and on his or their failure to give such security, shall commit him or them to the common gaol of the said district; and shall also bind over the keeper or keepers of such taverns, inns, retail stores or public places, to appear at the said ensuing court of sessions; and every person so playing, upon being convicted thereof upon indictment, shall forfeit the sum of twenty-five dollars; and every person so keeping such tavern, inn, retail store or public place, shall, upon being convicted thereof upon indictment, forfeit the sum of fifty dollars for each and every offence.

A. D. 1802.

Games that may be played at.

Penalty for betting or playing, or keeping a gaming place.

II. *And be it further enacted* by the authority aforesaid, That all and every keeper or keepers, exhibitor or exhibitors, of either of the gaming tables commonly called A B C or E O, or of any other table distinguished and known by any other letters, or by any figures, or rowley powley, or *rouge et noir*, or of a faro bank, or of any other gaming table or bank of the same or the like kind, under any other denomination whatsoever, shall be deemed and treated as vagrants; and moreover, it shall and may be lawful for any justice of the peace, by warrant under his hand, to order any such gaming table to be seized, and publicly burnt or destroyed.

Keepers of gaming tables to be treated as vagrants.

III. *And be it enacted* by the authority aforesaid, That nothing contained in this Act shall extend, or be construed to extend, to repeal or make void any law or act, or part of any law or act, now in force in this State, relative to gaming, or the prevention and punishment thereof.

This Act not to repeal other Acts on the same subject.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and two, and of the Independence of the United States of America, the twenty-seventh.

JOHN WARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

ACT ACT to alter and amend an Act entitled "An Act to prevent No. 1787.
Negro Slaves and persons of colour from being brought into or entering this State:" and also an Act supplementary to the Act aforesaid; and for other purposes therein mentioned.

(Passed December 18, 1802. *See last volume.*)

AN ACT TO EMPOWER THE COMMISSIONERS OF THE TOBACCO INSPECTION IN CHARLESTON TO RECEIVE INTO THE WAREHOUSES THERE, ON No. 1788.
STORE, COTTON AND OTHER ARTICLES, ON THE CONDITION THEREIN MENTIONED.

WHEREAS, it appears by the memorial of the commissioners of the tobacco inspection in Charleston, that from the great decrease in the crops
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Preamble.

A. D. 1802.

of tobacco in this State, so small a quantity of that article is brought to the Charleston inspection as to render the funds arising therefrom totally inadequate to meet the expenses of the institution, and to pay the expenses already incurred, without other sources. And whereas, the said commissioners, conceiving that they are not authorized by the law under which they act to rent or hire out any of the warehouses under their care and superintendence, have prayed the legislature that their powers may be enlarged, and that they may be permitted to rent out one or more of the tobacco warehouses, as they may deem necessary, (always reserving sufficient store room for tobacco,) for the purposes of storing of cotton, or any other article, and to affix such rent or storage as they may think adequate, and to collect the same, or to appoint the inspector or inspectors of tobacco to receive and pay the same into the hands of commissioners, in aid of defraying the necessary expenses of the institution :

Cotton may be
stored in the
tobacco ware-
houses.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the powers and duties of the commissioners of the tobacco inspection in Charleston, and of the inspector and inspectors there employed, shall be, and the same are hereby, enlarged and extended so far as to enable the said commissioners to receive into the tobacco warehouses, or any part thereof, on store, cotton or other articles of produce, or any articles of merchandize or otherwise, according to their discretion, from any person or persons whomsoever, on the best terms that can be obtained for the same, not exceeding the usual rates of storage in Charleston, and to apply the monies arising therefrom to the same purposes as are directed in and by an Act entitled "An Act for regulating the inspection and exportation of tobacco, and for other purposes therein mentioned." And the inspector and inspectors aforesaid are hereby directed and required to collect and pay into the hands of the commissioners aforesaid the amount of the storage that may arise as aforesaid, in the same manner as they are directed in and by the aforesaid Act with respect to the storage of tobacco. Provided always nevertheless, that all such cotton, or other articles, that may be received on store, shall be received on the express condition that the same, or any part thereof, may, at any time, be removed, at the discretion of the commissioners aforesaid, whenever, in their opinion, the whole or any part of the said warehouses may be wanted for the purpose of storing tobacco.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and two, and in the twenty-seventh year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

No. 1789. AN ACT to incorporate the Marlborough Academy, the Philomatic Society of Marion District, and the Jefferson Monticello Society of Fairfield District.

(Passed December 18, 1802. See last volume.)

A. D. 1802.



AN ACT TO PREVENT THE UNNECESSARY ATTENDANCE OF WITNESSES IN No. 1790.
COURTS OF JUSTICE.

WHEREAS, a great delay of justice is experienced by compelling witnesses to bonds and notes to attend the courts of justice, and prove the same :

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the fifteenth day of February next, the absence of a witness to any bond or note shall not be deemed a good cause, by any court of justice, for postponing a trial respecting the same ; but that the signature to such bond or note may be proved by other testimony ; unless the defendant, at the time of filing his or her plea, shall swear, or affirm, according to the form of his religious profession, that the signature of the bond or note in suit is not his or hers ; nor in case the defendant or defendants should be executors or administrators, shall the cause be postponed for want of the subscribing witness to the bond or note in suit, but the signature may be proven by other testimony ; unless one of the executors or administrators, who are defendants, shall swear, or affirm, as aforesaid, at the time of filing his or her plea, that they have cause to believe the signature to such bond or note is not the testator's or intestate's, as the case may be. Provided always, that nothing herein contained shall prevent the court from postponing such trial, if in their opinion a sufficient cause shall be assigned for such postponement.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and two, and in the twenty-seventh year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

AN ACT to incorporate the State Bank ; and imposing certain restrictions No. 1791.
on the Directors, Officers and Servants of Banks in this State.

(Passed December 18, 1802. *See last volume.*)

AN ACT TO AUTHORIZE THE DRAWING OF JURIES FOR HORRY DISTRICT : No 1792.
AND FOR OTHER PURPOSES THEREIN MENTIONED.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be lawful for the clerk of Horry district to require, by a summons under his hand and seal, the attendance of four justices, whereof two shall be of the quorum, to be and appear at the court house of the said district on the second Monday in February next, and that the clerk

A. D. 1802.

Juries for Hor-
ry, how to be
drawn.

and sheriff of the said district shall then and there proceed to draw, in the presence of the justices aforesaid, a lawful number of jurors from the jury box of the said district, according to the directions or references contained in an Act of Assembly of this State, passed on the eighteenth day of December, in the year of our Lord one thousand seven hundred and ninety-nine, entitled "An Act for the establishment of an uniform and more convenient system of judicature;" which jurors so drawn are hereby declared, to all intents and purposes, lawful jurors, to sit, try and determine all matters in the said courts for the said district, at the next spring circuit, that may be brought before them respectively; and that no challenge, either to the array, the pannel or the poll, shall be admitted against such jurors, or any of them, on account of their having been drawn in the manner above provided; any act, matter, clause, usage, custom or law to the contrary notwithstanding.

Jurors to be
summoned.

II. *And be it further enacted* by the authority aforesaid, That the said clerk of the court of the district of Horry aforesaid be, and is hereby, authorized and required to issue a writ of venire facias, directed to the sheriff of Horry district, who shall summon the jurors so drawn as aforesaid to appear and serve at the said court; and that all jurors so to be summoned, and failing to attend agreeably to such summons, shall be, and they are hereby declared to be, subject to the penalties prescribed by law against defaulters in like cases.

III. *And be it further enacted*, That all suits and prosecutions now depending in Georgetown district, where the defendant or defendants shall reside or may have been arrested within the limits of Horry district, shall be transferred to the said last mentioned district for trial and determination.

IV. *And be it further enacted*, That Richard Green, Samuel Foxworth, and Henry Durant, be, and they are hereby appointed, commissioners for the purpose of taking bond and security from the clerk and sheriff of the said district of Horry, according to law.

V. *And be it further enacted*, That the office of register of mesne conveyance shall be vested in the clerk of the said district court for the time being.

VI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the sheriff of the district aforesaid to procure a jury list, agreeably to the Act of the legislature prescribing the mode of obtaining jury lists, to be made and completed ten days previously to the time hereby fixed for drawing a jury for the district aforesaid.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and two, and in the twenty-sixth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

No 1793. AN ACT to confirm the by-laws of the Protestant Episcopal Church of St. Philip in Charleston, and to enable the Congregation thereof to alter the same, or substitute new by-laws, under certain restrictions.

(Passed December 18, 1802. See last volume.)

A. D. 1802.



AN ACT TO AUTHORIZE JOSIAH PENDARVIS, TOGETHER WITH HIS ISSUE, No. 1794.
TO CHANGE THEIR PRESENT SURNAME OF PENDARVIS TO THAT OF BEDON.

WHEREAS, Josiah Pendarvis has petitioned the Legislature to change his present surname, together with that of his present and future issue, to Bedon:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Josiah Pendarvis, together with his present issue, be, and they are hereby, authorized to change their present surname to that of Bedon; and that he and they shall hereafter be known and distinguished in law, and in all transactions in law, wherein he or they may be bound or obliged, or wherein any person or persons may be bound or obliged to him or them, by no other surname than that of Bedon.

Name of J. Pendarvis changed to Bedon.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and two, and in the twenty-seventh year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

AN ACT AUTHORIZING THE COMMISSIONERS FOR DISPOSING OF THE PUBLIC LAND IN THE TOWN OF COLUMBIA TO DELIVER UP CERTAIN BONDS THEREIN No. 1795.
MENTIONED, AND TO CONVEY CERTAIN SQUARES TO THE TRUSTEES OF THE SOUTH CAROLINA COLLEGE.

WHEREAS, the board of trustees of the College of South Carolina, in locating the spot which appeared to them the most proper for the site of the above mentioned college, have discovered that parts of the squares comprised therein have been sold to private persons, who are willing to relinquish their purchases:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That upon the several persons hereinafter mentioned, who have purchased lots or squares in the town of Columbia, or their legal representatives, producing to the commissioners for disposing of the public land in the town aforesaid, certificates from the board of trustees of the college aforesaid, that they have executed to them full and sufficient conveyances, in fee simple, of the squares and lots hereinafter particularly described, the commissioners aforesaid are hereby authorized and directed to cancel the following bonds, to wit: the bond of George Wade, for the purchase of two acres, making part of the square bounded by Richardson, Divine, Sumter and Green-streets; also the bond of William Cunningham, for the purchase of the square bounded by Sumter, Green, Marion and Medium-streets; also the bond of Thomas Rhett Smith, for the purchase of the square bounded by Sumter, Blossom, Marion and Divine streets; also the bond of Ezekiel Pickens, for the purchase of the square bounded by Marion, Divine, Bull and Green streets; and also the

Bonds to be cancelled.

A. D. 1802.

bond of Bartlee Smyth, for the purchase of the square bounded by Marion, Green, Bull and Medium streets.

Conveyance
for the college.

II. *Be it further enacted* by the authority aforesaid, The commissioners aforesaid shall be, and they are hereby, authorized and directed to convey to the trustees aforesaid, in fee simple, the square bounded by Sumter, Divine, Marion and Green streets, in the town aforesaid; also the square bounded by Marion, Blossom, Bull and Divine streets; and the half square, adjoining Wade's purchase, bounded by Richardson, Divine, Sumter and Green streets, as aforesaid.

III. *And be it further enacted* by the authority aforesaid, That the trustees aforesaid shall be, and they are hereby, authorized and empowered to stop up or enclose all or any part of Green, Marion or Divine streets, which are included within and bounded by Bull, Blossom, Sumter and Medium streets.

IV. *And be it further enacted* by the authority aforesaid, That until the salaries of the faculty of the said college shall commence, the comptroller be authorized and empowered, upon application of the said trustees, to pay to them or their order, towards purchasing a philosophical and mathematical apparatus and library for the said college, the annual sum appropriated by law for such college.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and two, and in the twenty-seventh year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

No. 1796. AN ACT TO PERMIT THE HONORABLE ELIHU HALL BAY TO LEAVE THE STATE.

WHEREAS, the Honorable Elihu Hall Bay, one of the associate judges of the State, has requested permission to leave the State:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Elihu Hall Bay be, and he is hereby, authorized to leave the State, for any time not exceeding one year.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and two, and of the Independence of the United States of America the twenty-seventh.

JOHN WARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

No. 1797. AN ACT to incorporate the several Societies therein mentioned.

(Passed December 18, 1802. See last volume.)

A. D. 1802.



AN ACT IN FAVOR OF JOHN KERSHAW, AND THE OTHER REPRESENTATIVES OF COLONEL JOSEPH KERSHAW, LATE OF THE TOWN OF CAMDEN, DECEASED. No. 1798.

WHEREAS, a certain James Carey took and carried away from the said Joseph Kershaw, in his life time, some time in the year of our Lord one thousand seven hundred and eighty-two, several valuable slaves, the property of the said Joseph Kershaw, from the city of Charleston in this State, to the island of Jamaica, so that the said Joseph Kershaw, or any person or persons, for his use, hath never yet recovered the said slaves, or either of them; and whereas, also, two slaves, one named Cato, and the other named Quash, which were the property of the said James Carey, are now in the possession of the said representatives of the said Joseph Kershaw; and that although the estate of the said James Carey was generally confiscated, yet the said two slaves, named Cato and Quash, were never sold by the commissioners of confiscated estates, because they thought that the claim of the said Joseph Kershaw, to retain, as a recompence, the said two last mentioned slaves, just and equitable; and whereas, also, the said representatives have by their petition, prayed this legislature to relinquish in their favor the claim of the State to the said two slaves:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of this State, of, in and to the two slaves named Cato and Quash aforesaid, by virtue of an Act of the legislature of this State, commonly called the confiscation Act, be, and the same is hereby, vested in the said representatives of the said Joseph Kershaw; any law to the contrary in any wise notwithstanding.

Two slaves
conveyed to
heirs of Ker-
shaw.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and two, and of the Independence of the United States of America, the twenty-seventh.

JOHN WARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

AN ACT to incorporate the “*Abec yetomim ubne ebyonim*,” or the Society for the relief of Orphans and Children of indigent parents. No. 1799.

(Passed December 18, 1802. *See last volume.*)

AN ACT TO RESTRAIN THE OPERATION OF THE ESCHEAT LAWS IN RELATION TO BARNEND DIERSON, HIS HEIRS AND ASSIGNS. No. 1800.

WHEREAS, Barnend Dierson, a native of the electorate of Hanover, in Germany, but now a citizen of the United States, and resident in the

Preamble.

A. D. 1802.



city of Charleston in this State, grocer, hath petitioned the legislature of this State to vest in him certain lands which he purchased and became possessed of before he became a citizen of the United States, and which are liable to be escheated :

Conveyance to
B. Dierson.

I. *Be it therefore enacted* by the authority aforesaid, That all and singular the lands purchased by the said Barnend Dierson, in fee simple or otherwise, while an alien, shall be, and they are hereby, vested in the said Barnend Dierson, his heirs and assigns, as fully and amply, to all intents and purposes, as if he had been a citizen of the United States at the time of the purchase thereof; any law, usage or custom to the contrary thereof, in any wise notwithstanding; subject, nevertheless, to such mortgages and other incumbrances as they would in that case have been liable to.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and two, and in the twenty-seventh year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

No. 1801. *AN ACT* TO AUTHORIZE THE TRUSTEES OF THE MARLBOROUGH ACADEMY TO RAISE THE SUM OF TWO THOUSAND FIVE HUNDRED DOLLARS BY LOTTERY.

WHEREAS, a petition hath been presented by the members of the Marlborough Academy, stating that their funds are insufficient to carry into effect the establishment of an academy, and praying for leave to raise the sum necessary by lottery :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Tristram Thomas, William Pledger, Robertson Carloss, John Rodgers, and Edward Croseland, he, and they are hereby, vested with full power and authority to make, and proceed to the drawing and concluding of, a lottery, for the purpose of effecting the aforesaid establishment. Provided, they do not by the said lottery gain more than the net sum of two thousand five hundred dollars.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and two, and in the twenty-seventh year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

A. D. 1802.

AN ACT TO REPEAL THE ACTS OF CONFISCATION AND AMERCEMENT, No. 1802.
 SO FAR AS THE SAME RELATE TO THE ESTATE, REAL AND PERSONAL,
 OF THE LATE HENRY AND ROWLAND RUGELY.

WHEREAS, the trustee for the creditors of the late Henry and Rowland Rugely, hath petitioned the legislature of this State to repeal the Acts of confiscation and amercement, so far as the same relate to the estate, real and personal, of the late Henry and Rowland Rugely, deceased; and it appears that the said estate is insufficient to pay the debts, and that the State cannot be injured by a repeal thereof; and it also appears by the certificates of the comptroller and the treasurer for Charleston, that no part of the said estate hath been disposed of by the commissioners of forfeited estates:

Preamble.

I. *Be it therefore enacted*, by the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the Acts of confiscation and amercement, so far as the same relate to the confiscation and amercement of the estate, real and personal, of the said Henry and Rowland Rugely, their heirs and devisees, shall be, and the same are hereby, repealed; any law, usage or custom to the contrary thereof, notwithstanding. Provided, that nothing in this Act contained shall be construed so as to affect any property heretofore sold under or by virtue of the Act commonly called the confiscation Act.

Estate of Rugelys exempted from confiscation.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and two, and in the twenty-seventh year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

AN ACT TO RAISE SUPPLIES AND MAKE APPROPRIATIONS FOR THE YEAR No. 1803
 ONE THOUSAND EIGHT HUNDRED AND TWO; AND FOR OTHER PURPOSES
 THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State for the use and service thereof.

II. *And be it enacted* by the authority aforesaid, That twenty-five cents per centum ad valorem be paid in specie or paper medium on all lands granted within this State, under the several regulations hereinafter expressed. Class No. 1 shall contain all tide swamp of the first quality, not generally affected by the salts or freshes, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by the salts or freshes, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshes, which shall be rated at eight and a

Rate of taxation on lands.

A. D. 1862.

half dollars per acre ; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre ; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre ; all inland swamp of the second quality, which shall be rated at eight and an half dollars per acre ; all inland swamp of the third quality, which shall be rated at four dollars per acre ; pine barren land, adjoining or contiguous thereto, which shall be rated at one dollar per acre ; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee ; the first quality to be rated at thirteen dollars per acre ; the second quality at eight and an half dollars per acre ; the third quality at four dollars per acre ; excepting such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamps and low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford, on the Wateree river, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands on the Sea islands, (Stann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford, and the new boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in the classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one and an half dollars per acre ; the second quality, at one dollar per acre ; the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre ; the second quality, at sixty cents per acre ; and the third quality, at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

III. *And be it enacted* by the authority aforesaid, That fifty cents per head shall be levied upon all slaves ; the sum of two dollars per head on all free negroes, mulattoes, and mestizoes, between the ages of sixteen and fifty years ; and twenty-five cents ad valorem on every hundred dollars of the value of all lands, lots and buildings within any city, village, or borough ; and fifty cents per centum on all stock in trade, fac-torage, employments, faculties and professions, (clergymen, schoolmasters,

Rate of taxing
slaves, &c.

schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in specie or paper medium.

A. D. 1862.

IV. *And be it enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property or the estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, or the Fellowship Society, or of the estate of the late Doctor De la Howe, devised for charitable purposes, and that part of the estate of the late Thomas Wadsworth which was devised for the establishment of a school, or the Clarendon High Hills of Santee, or Camden Orphan Societies, or the Columbia Academy, or the lands and funds owned by the Free School at Dorchester, or the public lands held by the corporation of Charleston, or of the lands and funds of any society applicable to the education and maintenance of public schools.

Slaves employed on Indian lands.

Exceptions.

V. *And be it enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any young man sent abroad for his education, until he attains the age of twenty-three years; or the property of any person now absent from the United States, unless such person has been absent for one year.

Absentees double taxed.

VI. *And be it enacted* by the authority aforesaid, That the tax collectors throughout this State shall receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance in gold or silver at the bank of the United States, the branch bank thereof in Charleston, the bank of South Carolina, the State Bank, or certain certificates for the pay of the members of the Legislature, or the Solicitors, for their attendance on the Legislature.

What shall be received for taxes.

VII. *And be it enacted* by the authority aforesaid, That the installment on the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid as directed by the Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and seven. Provided, that no person shall be entitled to the benefit of this clause who shall not give additional security, if required, to the treasurer at Charleston, in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which may be made in paying the interest to grow due on the first day in March next.

Time of payment of the paper medium.

VIII. *And be it enacted* by the authority aforesaid, That the mutilated paper medium bills now lying in the treasury in Charleston, to the amount of ten thousand two hundred and eight pounds, be burnt and destroyed; and that it shall be the duty of the treasurer in Charleston, some time before the meeting of the ensuing legislature, in the presence of the comptroller and a majority of the standing committee of the legislature, to burn and destroy the said mutilated bills, to the amount before specified.

Mutilated paper medium bills to be burnt.

A. D. 1802.

Standing committee.

Copies of this Act to be furnished.

Paper medium to be burnt.

Miller and Whitney.

Magazine guard.

Funded debt to be bought in.

Registered debt

IX. *And be it further enacted*, That the following persons be appointed said standing committee: the President of the Senate, the Honorable W. A. Deas, and John Blake, Theodore Galliard, John Dawson, junior, John Cord Prioleau.

X. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act to each of the collectors appointed by law throughout this State, within one month after passing this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

XI. *And be it enacted* by the authority aforesaid, That the treasurer of the lower division of the treasury, under the direction of the comptroller general, and in his presence, and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, and any three of the judges of the courts of law or equity, or in the presence of a majority of the persons above named, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State now resting to the credit of the State, in the treasury of the lower division, to be burnt and destroyed, and to report to the Legislature the amount of said medium which may be so burnt and destroyed; and that the comptroller general shall be, and he is hereby, authorized to draw his warrant or warrants, as the exigence of the Commonwealth may from time to time require, on the State Bank, or any other bank with whom he may agree for the discount and payment of such warrant or warrants, for such sum or sums of money as may be requisite to supply the amount of said paper medium so destroyed and burnt. Provided always, that the rate or discount on the warrant or warrants so to be issued shall not exceed the sum of seven per centum per annum, payable annually, to be calculated from the respective periods when such warrant or warrants shall be actually paid and discharged.

XII. *And be it enacted* by the authority aforesaid, That the comptroller be authorized to recall or suspend the payment of his warrant for any appropriation heretofore made for the payments due or to become due to Miller and Whitney, any law to the contrary notwithstanding, until the event of existing disputes between the State and said Miller and Whitney is concluded; and that notice be given to the public of this restriction.

XIII. *And be it enacted* by the authority aforesaid, That the pay hereinafter to be provided for the support and maintenance of the magazine guard, shall be restricted to that of an officer, sergeant, and six men; and that the sum of two thousand two hundred dollars be appropriated for the payment of the said guard, under the direction of the comptroller general.

XIV. *And be it enacted* by the authority aforesaid, That the balance of interest which now remains or hereafter shall remain to this State on the debt due by the United States, after paying the interest due on the funded debt of this State, and the amount of the principal which may be paid on the principal of the debt due to this State by the United States, shall be, and the same is hereby, appropriated to the purchase or redemption of the funded debt of this State, by the treasurer of the lower division, under the direction of the comptroller and standing committee of the Legislature; and all balances of cash which may remain in the treasury of this State after paying the appropriations made by law, shall and may be applied, in the same manner, to the same use and purpose.

XV. *And be it enacted* by the authority aforesaid, That the amount of the registered debt, as reported by the comptroller general, shall be funded, on the following principles, that is to say. the principal of all such sums shall bear an interest of six per centum per annum, and the interest shall bear an interest of three per centum per annum; and that the treasurer of the

lower division, under the direction of the comptroller, shall issue his certificates for the same.

A. D. 1802.

XVI. *And be it further enacted* by the authority aforesaid, That if at any meeting to be had by the comptroller with the standing committee of the Legislature, after a review of the funds of the treasury, it shall to them seem convenient and proper to call in and redeem any portion or part of the six per cent. debt of this State then in circulation, it shall and may be lawful, and the comptroller general is hereby directed, to give three months public notice that, on the first Monday in April next, such part of the said six per cent. as may be agreed on to be redeemed, so as the same does not exceed one half of the said six per cent. debt, with interest up to that period, will be paid at the treasury in Charleston; and that no payment shall be made of the said reimbursement of the said six per cent. debt but to the proprietor or proprietors of the evidences of the debt, or their attorneys, specially authorized for that purpose; and to prevent frauds upon the public, it shall be the duty of the treasurer to indorse on the back of each stock certificate the amount of payments so to be made.

Six per cent. debt.

XVII. And whereas, there are many wealthy citizens of this State who derive very considerable revenues from monies which produce an interest, and who do not contribute a due proportion to the public exigencies of the same; *Be it therefore enacted* by the authority aforesaid, that each and every enquirer, assessor and collector shall, on their enquiry for their returns of taxes of this State for the year one thousand eight hundred and two, administer the following oath to all such persons as may be liable to pay the same: "I, A. B., do solemnly swear (or affirm, as the case may be,) that the account which I now give in is a just and true account of the quantity and quality of the lands, and the number of slaves, and the sum or sums of money which have produced me an interest, on the first day of October, one thousand eight hundred and two, in any manner whatsoever, which I am possessed of, interested in, or entitled to, either in my own right or in the right of any other person whomsoever, either as guardian, executor, agent, attorney, trustee, or in any manner whatsoever, according to the best of my knowledge or belief; and that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked me touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever, so help me God." And upon the principal sum of every sum or sums of interest money actually received, over and above what each person pays on account of interest, except where such interest money is received by any widow, orphan or unmarried woman, having no other means of livelihood, the said assessor, enquirer or collector, or assessors, enquirers, and collectors, to whom the same shall be returned, shall assess the sum of twenty-five cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportional sum on all other sums of money drawing less or more than seven per cent.; to be recovered in like manner, in case of default, as the collectors are authorized by law heretofore to do on their returns of lands or slaves.

Tax on money at interest.

XVIII. *And be it enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, they shall be liable to and suffer the same forfeitures and pay the same penalties as are authorized by law in case of their refusing or neglecting to make return of his, her, or their lands or slaves.

Property not returned.

XIX. *Be it enacted* by the authority aforesaid, That the enquirers, assessors and collectors appointed by law shall do and perform all and singular the duties of their offices, according to the Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors

Powers and compensation of enquirers, assessors, &c.

A. D. 1802.

of the taxes, and of other persons concerned therein;" and that on closing their accounts with the treasurer, and not before, they shall receive seven and a half per centum on the amount collected, excepting the collectors of St. Philip's and St. Michael's parishes, who shall receive in like manner three and an half per centum.

Returns of
former taxes
to be made.

XX. *And be it enacted* by the authority aforesaid, That the assessors, collectors and enquirers, respectively, shall begin their enquiry on the first day of February in each and every year; and where all the collectors who were appointed for any parish or county are dead, and the tax returns not closed with the commissioners of the treasury, the collector who shall be thereafter appointed is hereby directed and ordered to demand receipts or administer an oath, or to procure other satisfactory proof from the inhabitants of the county or parish, in order to ascertain whose taxes might be still due, and to enable the public to discover what sums of money might be due by the deceased tax collectors; and if any of the executors or administrators of any deceased tax collector neglect or refuse to produce the accounts of the deceased, or give all the information in their power on the subject, the treasurer is hereby ordered to proceed according to law against the estates of the deceased tax collectors.

Time of pay-
ment of taxes.

XXI. *And be it further enacted* by the authority aforesaid, That all persons liable to pay any tax hereafter to be imposed by any law of this State, shall, on or before the first day of March in each and every year, give in a true and just return of all slaves, and of the quality and quantity of lands, as may be directed and required by said laws, which they may hold or be entitled unto, in his, her or their own right, or in the right of any person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever; and shall, on or before the first of May ensuing, pay their taxes to the collector of that collection district where the party making such return, either by himself, his or her family, may reside the greater part of the year. And that the assessors and collectors shall annually pay the same, and settle their accounts with the treasurer, on the first day of July next ensuing.

XXII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of every tax collector in this State when he makes his general return of taxes, to annex thereto a list of all the taxable property in his district which has come to his knowledge, and is not returned to him, describing such property in the most particular manner he can, and annexing thereto the name or names of the owner or reputed owner or owners of such property.

XXIII. *And be it further enacted* by the authority aforesaid, That any person who shall hereafter make any return of any taxable property to any of the tax collectors of this State, shall specify in such return not only the parish or district in which the lands returned are situated, but also the kind thereof, and particularly whether the same be inland swamp or lands on the sea islands, or within twenty miles of Charleston, or high river swamp lying above the flowing of the tides, but also the parish or district in which any slaves returned are employed or reside.

Land owned by
persons out of
the State.

XXIV. And whereas, tracts of land within this State have been sold in some of the United States and foreign countries, and the owners thereof are supposed at present to pay no taxes whatever; *Be it therefore enacted* by the authority aforesaid, That it shall be the duty of, and it is hereby enjoined on, all the tax collectors, annually to enquire for all such land, and collect tax and arrears of taxes thereon; and if the taxes thereon and arrears of taxes thereon shall not be paid at or before the times to be appointed for the payment of the general tax, then the tax collectors, after

giving twelve months notice in the State Gazette, shall proceed to sell and convey the same, in fee simple, in portions or lots, not exceeding six hundred and forty acres each, or so much thereof as will be sufficient to pay the taxes and arrears of taxes, and the costs incurred, of those who make default in paying their taxes.

A. D. 1802

XXV. *And be it further enacted* by the authority aforesaid, That the Comptroller be, and he is hereby, authorized and required publicly to call upon the commissioners in the several districts throughout this State who have received monies for the construction and repairs of public buildings, and the commissioners of Columbia, to render an account to him of the application of such monies; which accounts shall be annually laid before the legislature.

XXVI. *And be it further enacted* by the authority aforesaid, That the treasurers shall not hereafter draw any order or check, or make any draft on any tax collector in this State, in favor of any person having any claim or demand on the treasury of this State; nor shall the treasurers make payment to any person having a claim against the State, even though allowed by law or provided for by the Legislature, but at the treasury office at Charleston or Columbia, except as is provided in an Act entitled "An Act to authorize the treasurers to pay certain persons therein mentioned their annuities, and regulating payments to annuitants." And no tax collector shall hereafter receive, or take in payment of taxes due by any person, any order, draft or check of either of the treasurers.

All payments
to be at the
treasury.

XXVII. *And be it further enacted* by the authority aforesaid, That the treasurers in Charleston and Columbia shall annually procure to be printed so many blank tax returns adapted to the nature of the taxes which the legislature shall from time to time impose, as will be necessary, and the said treasurers shall annually furnish each tax collector in their divisions respectively with so many of the said blanks as will enable him to perform the duties required by law. And each and every tax collector shall, and he is hereby authorized and required to, demand and take from each and every person making a tax return, two copies of such return, signed and sworn to as the law directs, to be made out on the said blanks, of all the property owned by him, her or them, on the first day of October preceding, in every year.

Blank returns
to be furnished.

XXVIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of each and every tax collector throughout the State annually to make out a duplicate of the general return which he is by law directed to make to the treasurer, and to inclose the same, together with the duplicate of the tax returns which by this or any future tax Act may be directed to be taken from individuals of their respective counties, parishes and districts, in a packet directed to the comptroller and sealed up; which packet each and every tax collector is hereby required to transmit to the treasurers respectively, on or before the first day of October, in each and every year; to the intent that by the due examination thereof by the comptroller, any improper conduct in the tax collectors may be detected. And should any of the tax collectors aforesaid fail to perform the duties required by this and the next preceding clause, he shall forfeit and pay the sum of one hundred dollars, to be recovered by any person suing for the same in any court having competent jurisdiction.

Return of general
tax to be
made to the
Legislature.

XXIX. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers to report to the house at their annual session every instance of default in any tax collector in his division, and to instruct the attorney general or solicitors respectively, to prosecute such defaulters, as soon as any instance of default shall occur. And

Defaulters, how
to be proceeded
against.

A.D. 1802.

it shall be the duty of the said treasurers respectively, strictly to enforce the means which they are by law authorized to make use of, to compel the tax collectors to the due performance of their duties; and any treasurer failing to make use of such means, he shall be held to make good any loss which the State shall sustain thereby.

In Charleston,
returns to be
made monthly.

XXX. *And be it further enacted* by the authority aforesaid, That the tax collectors of St. Philip's and St. Michael's, in Charleston, shall, monthly, and on the first Monday in every month, from and after the first day of March in each and every year, upon oath, make due returns of all monies which shall have been received by them during the preceding month.

Tax collectors
to make no dis-
crimination.

XXXI. *And be it further enacted* by the authority aforesaid, That if any tax collector or collectors shall make any distinction or discrimination of persons in issuing executions, the taxes of such persons (in addition to the lien the State has on the property of such person or persons) shall be considered as thereby assumed by such tax collector or collectors; and the treasurers at Charleston and Columbia are directed and enjoined, in their different departments, to debet such tax collector or collectors, so misbehaving, with such arrearages of tax, and to issue executions therefor immediately against each and every of them, and to lodge such executions with the sheriff of the district in which such collector or collectors reside and shall have property. And if any sheriff or sheriffs, in whose hands such executions shall be lodged, shall make any distinction or discrimination of persons, in levying the said executions, or shall retain the same for a longer time than two months without making a return of the same, he is hereby made chargeable with the said executions, in addition to the liability of the collectors and individuals so originally in arrear for tax as aforesaid.

Taxes to be dis-
counted from
creditors of the
State.

XXXII. *And be it further enacted* by the authority aforesaid, That no person holding any office of profit under this State, or having any demand against the State, shall be entitled to receive any sum of money which may be due to him from the State until his taxes are first paid and satisfied; and the treasurers are hereby positively directed, before they shall pay any person holding any office of profit or having such demand, the sum that may be due to him, to require of him a receipt from the tax collector where such person resides or ought to pay his taxes, stating that his taxes are paid and satisfied. And upon neglect or refusal of any person holding such office or having such demand, to produce such receipt, the treasurers are hereby directed not to pay such person the sum or sums of money which may be due to him, until satisfactory proof is adduced to them that such taxes have been paid, or the parties agree to discount the same. And if the treasurer should pay to any person holding any office of profit or having any demand as aforesaid, any sum which may be due to him, without having such receipt produced, or satisfactory proof, or discount made as above required, he is hereby declared to be hable for all losses which may arise to the State therefrom.

Poor tax.

XXXIII. *And be it further enacted* by the authority aforesaid, That the tax collectors throughout the State, in their several parishes and districts, shall be, and they are hereby, authorized and required to collect the poor tax in the several parishes and districts; and they shall be allowed the usual commissions for so doing.

Public arms to
be distributed.

XXXIV. *And be it further enacted* by the authority aforesaid, That all the public arms which now are or hereafter may be purchased on behalf of this State, shall, by order of his Excellency the Governor, be equally distributed among the several brigades of militia of this State; and that the several and respective brigadier generals shall and may allow the said arms to be sold for costs and charges among the men of his and their brigades, and

cause the money arising from such sale to be paid into the public treasury, to be appropriated for the purchase of other arms, to be distributed in manner aforesaid: Provided nevertheless, that no one man shall be permitted to purchase more than what shall be sufficient to arm himself of the arms aforesaid.

A. D. 1802.

XXXV. *And be it further enacted* by the authority aforesaid, That the several and respective tax collectors in this State shall place their warrants against any person or persons who shall make default of payment of their taxes, for collection in the hands of the sheriffs of the districts respectively, and in the hands of no other person or persons whatsoever; and the sheriffs shall be entitled on the service of such warrants to the usual mileage for the service of executions.

Sheriffs to collect tax executions.

XXXVI. *And be it further enacted* by the authority aforesaid, That the tax collectors shall take the sheriff's receipt for such executions as shall have been issued for taxes, which they shall respectively produce in settlement with the treasurer. And it shall be the duty of the treasurer to transmit to the comptroller, without delay, a certified copy of all such receipts, to the end that the comptroller may be enabled to inspect the conduct of the sheriffs therein.

XXXVII. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums borrowed by them, and sales have been made of the lands mortgaged to secure said loan, and the treasurers have bought in said lands for defect of bidders, and the same remain on the hands of the State, unproductive; *Be it therefore enacted* by the authority aforesaid, That they shall be, and are hereby, authorized and directed to cause all the lands bought in as aforesaid to be put up to sale, in the districts in which they severally lie, by the sheriffs of the said districts, on a public sale day, after giving three months notice thereof, and shall sell the same to the highest bidder; and such purchaser shall pay one fourth part of the purchase money in cash, at the time of the sale, and the remaining three fourths in one and two years; for the performance of which he shall give his bond and mortgage of the premises, and also personal security, to be approved of by the sheriff and three commissioners, residing in such district, to be nominated by the treasurers. Provided, that no sale of the mortgaged lands shall take place when any person interested in the same shall tender one third part of the sum due, together with the expenses incurred, and give bond, mortgage and security, as is herein before directed, for the balance due, payable in one and two years, previous to the day of sale; and that the said mortgaged property shall thereupon vest in the party so paying and giving security as aforesaid.

Land bought in by the State to be sold.

XXXVIII. *And be it further enacted* by the authority aforesaid, That the comptroller is hereby authorized and required to cause all lands which are mortgaged to the public, to be put up for sale, in the districts where they respectively lie, by the sheriffs of the said districts, on a public sale day, after three months public notice thereof; and the same shall be sold to the highest bidder, under the direction of commissioners to be appointed by the comptroller and approved of by the Governor or commander-in-chief for the time being; and the comptroller shall furnish the commissioners aforesaid with the amounts of debts for which the said lands are mortgaged; and it shall and may be lawful for the said commissioners to cause to be bid in, on account of the State, any of those lands which may not be bid up to the amount of the debt for which they may have been mortgaged, or which they may think have not been bid to their value; provided, that in no case shall the commissioners aforesaid be authorized to bid in any such lands, on account of the State, to an amount greater than the

Mortgaged land, how to be sold.

A. D. 1802. debt for which they may have been mortgaged, with interest calculated thereon.

Monthly re-
ports.

XXXIX. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurer, in the monthly reports which he is required to make to the comptroller, to state the amount of all sums of money which he shall or may receive or pay away on behalf of the State, particularizing the person and his office of whom he receives and to whom he pays, as well as on what account he has received, and for what purposes he has paid, such sums.

Treasurers to
account to
Comptroller.

XL. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers, at any time when required by the comptroller, severally and respectively, to produce to him a satisfactory statement of the cash on hand, and shall promptly furnish him with official information, duly certified, whenever applied to to do so, relative to any matter connected with the revenue and finances of the State, of every denomination and description, within their several and respective departments and divisions.

XLI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers to pay the salaries of all public officers on the civil list, quarterly, and not earlier.

Accounts of
appropriations.

XLII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers, and they are hereby directed, severally, to raise an account in the treasury books, in every instance, for the several appropriations made by the Legislature, so that the appropriations of money, and the application thereof, conformably thereto, may appear clearly and distinctly on the treasury books.

Unappropri-
ated money in
the treasury.

XLIII. *And be it further enacted* by the authority aforesaid, That the treasurers shall forthwith open in their respective books an account in the name of the State of South Carolina, in which account they shall enter the amount of all sums now in the treasury unappropriated, and in like manner shall enter all sums of the same nature that shall hereafter be received by them respectively; which sums are hereby placed under the superintendence of the comptroller, to be applied at such times and in such manner, for the purposes aforesaid, as he and the standing committee of the legislature shall in their discretion think fit, by drafts, to be made by the comptroller on the treasury. And the said comptroller is hereby required to render, annually, to the Legislature, a full account of his transactions.

Securities of
tax collectors.

XLIV. *And be it further enacted* by the authority aforesaid, That the securities of the several tax collectors, who may be hereafter appointed in this State, shall be approved of by the commissioners who approve of the securities given by the sheriffs of the several districts in which they are appointed respectively.

Appropriations

XLV. *And be it further enacted*, That the following sums be respectively appropriated for the salaries of public officers and other expenses of government:

For the salary of the Governor, two thousand five hundred and seventy-two dollars.

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of the six Judges of the courts of law, each, two thousand five hundred and seventy two dollars—in the whole, fifteen thousand four hundred and thirty-two dollars.

For the salaries of the three Judges of the Court of Equity, each, two thousand one hundred and forty-four dollars—in the whole, six thousand four hundred and thirty-two dollars.

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For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, in addition to his other duties, eight hundred and sixty dollars.

For the salary of three Circuit Solicitors, each, five hundred dollars—in the whole, fifteen hundred dollars.

For the salary of the Comptroller, two thousand five hundred dollars.

For the salary of the Comptroller's clerks, and the stationary requisite for his office, one thousand six hundred dollars.

For the salary of the Treasurer of Charleston, as Treasurer and for transacting the business of the Loan Office, and Clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, one thousand two hundred and ninety dollars.

For the salary of the Clerk of the Treasurer in Columbia, four hundred dollars.

For the salary of the Clerk of the House of Senate, and the salary of the Clerk of the House of Representatives, each, twelve hundred and thirty dollars—in the whole, two thousand four hundred and sixty.

As compensation for the Clerk of the Court at Columbia, one hundred and forty dollars.

As compensation for the Clerk of the Court at Charleston, one hundred and forty dollars.

As compensation for the Sheriff of Richland, for attending on the Constitutional Court at Columbia, fifty dollars.

As compensation for the Sheriff of Charleston, for attending the Constitutional Court at Charleston, fifty dollars.

As compensation for two Messengers, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars.

As compensation for two Doorkeepers, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars.

For the extra services of Benjamin Hicks, Messenger to the Senate, fifty dollars.

For the keeper of the State House at Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, one thousand five hundred dollars.

For the salaries of nine Brigade Inspectors, each two hundred and sixteen dollars—in the whole, one thousand nine hundred and forty-four dollars.

As compensation for the Arsenal keeper and powder receiver, in the city of Charleston, two hundred and sixteen dollars.

As compensation for the Arsenal keepers and powder receivers of Abbeville, Camden, Georgetown and Beaufort, each fifty dollars—in the whole, two hundred dollars.

For the salary of the Port Physician of Charleston, six hundred dollars.

For the salary of the State Printer, one thousand one hundred and fifty-eight dollars.

As compensation for the Pilot for the bar and harbour of Georgetown, three hundred and twenty-two dollars.

For Annuities, four thousand five hundred dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary of the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

For the expenses for carrying into effect the Quarantine Law, one thousand dollars.

As a contingent fund subject to the Governor's draft, he submitting an annual account of the expenditure thereof, six thousand dollars.

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For the expenses of the Members of the Legislature at the present session, and pay of the Solicitors for their attendance, eleven thousand six hundred dollars.

As compensation to James Davidson, for a negro executed, one hundred and twenty-two dollars and forty-four cents.

As compensation to Stephen Mazyck, for a negro executed, one hundred and twenty-two dollars and forty-four cents.

For the purchase of books for a joint library for both branches of the Legislature, one thousand dollars.

For the discharge of the contingent expenses of the upper division, three thousand one hundred and fifty dollars forty-seven cents.

For the discharge of the contingent expenses for the lower division, four thousand two hundred and thirty-two dollars three cents.

As compensation to Barbara and Thomas Holmes, eight hundred and sixty-eight dollars, agreeably to resolution of both houses.

For the pension of Andrew Adams, twenty-two dollars.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

To the Rev. Mr. Reed, for performing divine service during the session, one hundred dollars.

For the claim of Benjamin Bineham, Sheriff of Kershaw district, two hundred and forty dollars forty-six cents.

For alteration of the seats in the House of Representatives, and the purchase of carpet, one thousand dollars, subject to the Speaker's draught.

For Eugene Brenan, for lands sold him by Sheriff of Edgefield, to which this State had no title, one hundred and twelve dollars thirty-six cents.

For William Jeter, ditto, one hundred and thirty-one dollars twenty-three cents.

XLVI. *Be it enacted* by the authority aforesaid, That Susannah Townsend and shall be, and she is hereby, entitled to receive from the treasury of this State the sum of eighty dollars thirty-five cents, for three years and nine months arrearages of pension, which she was entitled to as widow of John Stephens, who was killed in the late war.

And that John Rhodes be, and he is hereby, entitled to receive from the treasury of this State the arrearages of pension due to Eliza Rhodes, at the time of her death, on his giving satisfactory proof that he is the legal representative of the said Eliza Rhodes.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and two, and of the Independence of the United States of America the twenty-seventh.

JOHN WARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

No. 1804.

AN ACT SUPPLEMENTARY TO AN ACT ENTITLED "*An Act for declaring the powers and duties of the Enquirers, Assessors and Collectors of the Taxes, and of other persons concerned therein.*"

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the enquirers, assessors and collectors of the taxes, on clo-

Pensions to
Townsend and
Rhodes.

sing their accounts with the treasurer, and not before, shall receive seven and an half per centum on the amount collected; excepting the collectors of St. Philip's and St. Michael's parishes, who shall receive three and a half per cent on the amount collected by them.

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Compensation to tax collectors.

II. *Be it enacted* by the authority aforesaid, That the assessors, collectors and enquirers respectively, shall begin their enquiry on the first day of February in each and every year. And when all the collectors who were appointed for any parish or county are dead, and the tax returns are not closed with the commissioners of the treasury, the collector who shall be thereafter appointed is hereby directed and ordered to demand receipts or administer an oath, or to procure other satisfactory proof from the inhabitants of the county or parish, in order to ascertain what taxes might be still due, and to enable the public to discover what sums of money might be due by the deceased tax collector; and if any of the executors or administrators of any deceased tax collector neglect or refuse to produce the accounts of the deceased, or give all the information in their power on the subject, the treasurer is hereby ordered to proceed according to law against the estate of the deceased tax collector.

Enquiry to begin the first of February.

How to proceed when collectors are dead.

III. *And be it enacted* by the authority aforesaid, That it shall be the duty of the tax collectors, in their districts respectively, when thereunto required by the comptroller general, to issue executions for all arrears of taxes certified by the said comptroller general to be due the State.

Collectors to issue executions.

IV. *And be it enacted* by the authority aforesaid, That all persons liable to pay any tax hereafter to be imposed by any law of this State, shall, on or before the first day of March in each and every year, give in a true and just return of all slaves, and of the quality and quantity of lands, and monies at interest, as may be directed and required by the said laws, which they may hold or be entitled unto, in his, her or their own right, or the right of any person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever; and shall, on or before the first of May ensuing, pay their taxes to the collector of that collection district where the party making such return, either by himself, his or her family, may reside the greater part of the year. And that the said assessors and collectors shall annually pay the same, and settle their accounts with the treasurer, on the first day of July next ensuing.

Returns to be made on the 1st of March in every year.

Payment on the first of May.

V. *And be it enacted* by the authority aforesaid, That it shall be the duty of every tax collector in this State, when he makes his general return of taxes, to annex thereto a list of all the taxable property in his district which has come to his knowledge, and not returned to him, describing such property in the most particular manner he can, and annexing thereto the name or names of the owner or owners, or reputed owner or owners, of such property.

Property not returned.

VI. *And be it further enacted* by the authority aforesaid, That any person who shall hereafter make any return of any taxable property to any of the tax collectors of this State, shall specify in such return not only the parish or district in which the lands returned are situated, but also the kind thereof, and particularly whether the same be inland swamp or lands on the sea islands, or within twenty miles of Charleston, or high river swamp lying above the flowing of the tides, and the parish or district in which any slaves returned are employed or reside.

The place where property is situated to be specified.

VII. And whereas, tracts of land within this State have been sold in some of the United States and foreign countries, and the owners thereof are supposed at present to pay no taxes whatever; *Be it therefore enacted* by the authority aforesaid, That it shall be the duty of, and it is here-

Land owned by persons out of the State.

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by enjoined on, all the tax collectors, annually to enquire for all such land, and collect taxes and arrears of taxes thereon; and if the taxes thereon and arrears of taxes thereon shall not be paid at or before the times to be appointed for the payment of the general tax, then the tax collectors, after giving twelve months notice in the State Gazette, shall proceed to sell and convey the same, in fee simple, in portions or lots, not exceeding six hundred and forty acres, or so much thereof as will be sufficient to pay the taxes and arrears of taxes, and costs incurred, of those who make default in paying their taxes. Provided, that nothing contained in this Act, or any law heretofore passed, shall affect any person or persons who have obtained subsequent grants not exceeding six hundred and forty acres, and who have actually settled the same, or shall settle the same within six months from the passing of this Act, and have paid taxes therefor since the date of their grants.

Comptroller to call on commissioners to account for monies in their hands.

VIII. *And be it enacted* by the authority aforesaid, That the Comptroller general be, and he is hereby, authorized and required publicly to call upon the commissioners in the several districts throughout this State who have received, or shall hereafter receive, monies for the construction and repairs of public buildings, and the commissioners of Columbia, to render an account to him of the application of such monies; which accounts shall be annually laid before the legislature.

All payments to be at the treasury.

IX. *And be it enacted* by the authority aforesaid, That the treasurers shall not hereafter draw any order or check, or make any draft on any tax collector in this State, in favor of any person having any claim or demand on the treasury of this State; nor shall the treasurers make payment to any person having a claim against the State, even though allowed by law or provided for by the Legislature, but at the treasury office at Charleston or Columbia; except as is provided in an Act entitled "An Act to authorize the treasurers to pay certain persons therein mentioned their annuities, and regulating payments to annuitants." And no tax collector shall hereafter receive, or take in payment of taxes due by any person, any order, draft or check of either of the treasurers.

Blank returns to be furnished.

X. *And be it enacted* by the authority aforesaid, That the treasurers in Charleston and Columbia shall annually procure to be printed so many blank tax returns adapted to the nature of the taxes which the legislature shall from time to time impose, as will be necessary, and the said treasurers shall annually furnish each tax collector in their divisions respectively with so many of the said blanks as will enable him to perform the duties required by law. And each and every tax collector shall be, and he is hereby, authorized and required to demand and take from each and every person making a tax return, two copies of such return, signed and sworn to as the law directs, to be made out on the said blanks, of all the property owned by him, her or them, on the first day of October preceding, in every year.

Return of general tax to be made to the Legislature.

XI. *And be it enacted* by the authority aforesaid, That it shall be the duty of each and every tax collector throughout the State annually to make out a duplicate of the general return which he is by law directed to make to the treasurer, and to inclose the same, together with the duplicate of the tax returns which by this or any other future Act may be directed to be taken from individuals of their respective counties, parishes and districts, in a packet directed to the comptroller and sealed up; which packet each and every tax collector is hereby required to transmit to the treasurers respectively, on or before the first day of October, in each and every year; to the intent that by the due examination thereof by the comptroller general, any improper conduct in the tax collectors may be detected. And

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should any of the tax collectors aforesaid fail to perform the duties required by this and the next preceding clause, he shall forfeit and pay the sum of one hundred dollars, to be recovered by any person suing for the same in any court having competent jurisdiction.

XII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the treasurers to report to the house at their annual session every instance of default in any tax collector in his division, and to instruct the attorney general or solicitors respectively, to prosecute such defaulters, as soon as any instance of default shall occur. And it shall be the duty of the said treasurers respectively, strictly to enforce the means which they are by law authorized to make use of, to compel the tax collectors to the due performance of their duties; and any treasurer failing to make use of such means, he shall be held liable to make good any loss which the State shall sustain thereby.

Defaulters, how
to be proceeded
against.

XIII. *And be it enacted* by the authority aforesaid, That the tax collectors of St. Philip's and St. Michael's, in Charleston, shall, monthly, and on the first Monday in every month, from and after the first day of March in each and every year, upon oath, make due returns of all monies which shall have been received by them during the preceding month, and pay the same into the treasury.

In Charleston,
returns to be
made monthly.

XIV. *And be it further enacted* by the authority aforesaid, That if any collector or collectors shall make any distinction or discrimination of persons in issuing executions, the taxes of such persons (in addition to the lien the State has on the property of such person or persons) shall be considered as thereby assumed by such tax collector or collectors; and the treasurers at Charleston and Columbia are directed and enjoined, in their different departments, to debet such tax collector or collectors, so misbehaving, with such arrearages of tax, and to issue executions therefor immediately against each and every of them, and to lodge such executions with the sheriff, or coroner when the sheriff is interested, of the district in which such collector or collectors shall reside or shall have property. And if the sheriff or sheriffs, coroner or coroners, in whose hands such executions shall be lodged, shall make any distinction or discrimination of persons in levying the said executions, or shall retain the same for a longer time than two months without making a return of the same, he is hereby made chargeable with the said executions, in addition to the liability of the collectors and individuals so originally in arrear for tax as aforesaid.

Tax collectors
to make no dis-
crimination.

XV. *And be it enacted* by the authority aforesaid, That no person holding any office of profit under this State, or having any demand against the State, shall be entitled to receive any sum of money which may be due to him from the State until his taxes are first paid and satisfied; and the treasurers are hereby positively directed, before they shall pay any person holding any office of profit or having such demand, the sum that may be due to him, to require of him a receipt from the tax collector where such person resides or ought to pay his taxes, stating that his taxes are paid and satisfied. And upon neglect or refusal of any person holding such office or having such demand, to produce such receipt, the treasurers are hereby directed not to pay such person the sum or sums of money which may be due to him, until satisfactory proof is adduced to them that such taxes have been paid, or the parties agree to discount the same. And if the treasurer should pay to any person holding any office of profit or having any demand as aforesaid, any sum which may be due to him, without having such receipt produced, or satisfactory proof, or discount made as above required, he is hereby declared to be liable for all losses which may arise to the State therefrom.

Taxes to be dis-
counted from
creditors of the
State.

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Poor tax.

XVI. *And be it enacted* by the authority aforesaid, That the tax collectors throughout the State, in their several parishes and districts, shall be, and they are hereby, authorized and required to collect the poor tax in the several parishes and districts; and they shall be allowed the usual commissions for so doing.

Public arms to be distributed.

XVII. *And be it further enacted* by the authority aforesaid, That all the public arms which now are or hereafter may be purchased on behalf of this State, shall, by order of his Excellency the Governor, be equally distributed among the several brigades of militia of this State; and that the several and respective brigadier generals may allow the said arms to be sold for costs and charges among the men of his and their brigades, and cause the money arising from such sale to be paid into the public treasury, to be appropriated for the purchase of other arms, to be distributed in manner aforesaid: Provided nevertheless, that no one man shall be permitted to purchase more than what shall be sufficient to arm himself of the arms aforesaid.

Tax executions to be lodged with the sheriffs or coroners.

XVIII. *And be it further enacted* by the authority aforesaid, That the several and respective tax collectors in the State shall place their warrants against any person or persons who shall make default of payment of their taxes, for collection in the hands of the sheriffs, or coroners when the sheriff is interested, of the districts respectively, and in the hands of no other person or persons whomsoever; and the sheriffs and coroners shall be entitled, on the service of such warrants, to the usual mileage for the service of executions.

Collectors to take receipts for such executions.

XIX. *And be it enacted* by the authority aforesaid, That the tax collectors shall take the sheriffs or coroners receipts for such executions as shall have been issued for taxes, which they shall respectively produce in settlement with the treasurer; and it shall be the duty of the treasurer to transmit to the comptroller, without delay, a certified copy of all such receipts, to the end that the comptroller may be enabled to inspect the conduct of the sheriffs and coroners.

Lands bought in by the treasurers on the paper medium loan to be sold.

XX. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums borrowed by them, and sales have been made of the lands mortgaged to secure said loan, and the treasurers have bought in the said lands for defect of bidders, and the same remain as the property of the State, unproductive; *Be it therefore enacted* by the authority aforesaid, That the treasurers aforesaid shall be, and they are hereby, authorized and directed to cause all the lands bought in as aforesaid to be put up to sale in the districts in which they severally lie, by the sheriffs of the said districts, on a public sale day, after giving three months notice thereof, and shall sell the same to the highest bidder, who shall pay one-fourth part of the purchase money in cash, at the time of the sale, and the remaining three-fourths in one and two years; for the performance of which he shall give his bond and mortgage of the premises, and also personal security, to be approved of by the sheriff and three commissioners residing in such district, to be nominated by the treasurers. Provided, no sale of the mortgaged lands shall take place when any person interested in the same shall, previous to the day of sale, tender one-third part of the sum due, together with expenses incurred, and give bond, mortgage and security, as is herein before directed, for the balance due, payable in one and two years; and that the said mortgaged property shall thereupon vest in the party so paying and giving security as aforesaid.

XXI. *And be it enacted* by the authority aforesaid, That the comptroller general is hereby authorized and required to cause all the lands which are mortgaged to the public, except the lands contemplated in the clause

immediately preceding, to be put up to sale in the districts where they respectively lie, by the sheriffs of the said districts, on a public sale day, after three months public notice thereof; and the same shall be sold to the highest bidder, under the directions of commissioners to be appointed by the comptroller and approved of by the Governor or Commander-in-chief for the time being. And the comptroller shall furnish the commissioners aforesaid with the amounts of the debts for which the said lands are mortgaged; and it shall and may be lawful for the said commissioners to cause to be bid in, on account of the State, any of those lands which may not be bid up to the amount of the debt for which they may have been mortgaged, or which they think have not been bid to their value. Provided, that in no case shall the commissioners aforesaid be authorized to bid in any such lands, on account of the State, to an amount greater than the debt for which they may have been mortgaged, with interest calculated thereon.

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Lands mortgaged to the State, to be sold, and may be bid in on account of the State.

XXII. *And be it enacted* by the authority aforesaid, That all lands heretofore mortgaged to the State, which have been exposed to sale for default of payment, and have been bought in for the State, by the directions of the comptroller general or commissioners thereunto authorized by law, shall be, under the direction of the said comptroller, sold to the highest bidder, by the sheriffs of the districts wherein the lands respectively lie, upon the terms, credits and conditions heretofore established by law. And where the amount of the sales, as above directed, shall not satisfy and discharge the debt, with interest thereon, due to the State, the comptroller general shall proceed to sue and recover from the principal and securities to the bonds given by the mortgagors of the said lands, the balances which may be respectively due thereon.

Mortgaged lands bought in on account of the State to be sold.

Mortgagors and securities to be sued.

XXIII. *And be it further enacted* by the authority aforesaid, That the right and title of the State in all lands for which grants have passed the proper offices, and have been signed by the Governor of the State for the time being, but which have not been delivered to the grantees for default of payment of the purchase money reserved by law to the State, shall be sold at public sale, in the same manner, and upon the same terms, credits and conditions, as the lands last hereinbefore mentioned. Provided always, and be it enacted by the authority aforesaid, that it shall and may be lawful for the person or persons in whose names any grant of land has been made out as aforesaid, at any time before the first day of October next, to tender and pay the money due for such grant, and to receive the said grant, which the secretary of the State is hereby authorized to deliver, upon the party's producing a certificate, from one of the treasurers, that the payment has been made. Provided, that the quantity of land contained in such grant shall not exceed six hundred and forty acres: and provided also, that all grants heretofore made, and not containing more than six hundred and forty acres, shall not be affected by the grants so retained for want of the payment of the bounty money.

The right of the State in certain lands to be sold.

Grants to be delivered to the owners on their paying the money due thereon.

XXIV. *And be it further enacted* by the authority aforesaid, That the comptroller shall be, and he is hereby, authorized and directed to pay the specie certificates, chargeable on the respective estates comprised in the preceding clauses of this Act, so far as the funds of such estates respectively, already in the treasury, added to the sum at which said estates respectively have been, or may be, bought in, shall amount to.

Comptroller to pay certain specie certificates.

XXV. *And be it further enacted* by the authority aforesaid, That in all cases where any sheriff of this State shall have heretofore legally sold, or hereafter shall legally sell, any tract or tracts of land, and such sheriff is now dead, resigned, or removed from office, or hereafter shall die, resign, or be removed from office, before such sheriff shall have made and execu-

Present sheriffs to execute titles to land sold by former ones.

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ted title therefor to the purchaser, it shall and may be lawful to and for the successor in office of such sheriff, upon the terms of such sale being complied with, to make and execute good and sufficient title to the purchaser, for the land so sold.

Monthly reports to be made by the treasurers to the comptroller.

XXVI. *And be it enacted* by the authority aforesaid, That it shall be the duty of the treasurer, in the monthly reports which he is required to make to the Comptroller, to state the amount of all the sums of money which he shall or may receive or pay away on behalf of the State, particularizing the person and his office, of whom he receives, and to whom he pays, as well as on what account he has received, and for what purposes he has paid, such sums.

Treasurers, when required, to state the amount of cash

XXVII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the treasurers, at any time when required by the comptroller, severally and respectively, to produce to him a satisfactory statement of the cash on hand; and shall promptly furnish him with official information, duly certified, whenever applied to to do so, relative to any matter connected with the revenue and finances of the State, of every denomination and description, within their several and respective departments and divisions.

Salaries to be paid quarterly.

XXVIII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the treasurers to pay the salaries of all public officers on the civil list quarterly, and not earlier.

Accounts to be raised for money appropriated.

XXIX. *And be it enacted* by the authority aforesaid, That it shall be the duty of the treasurers, and they are hereby directed, severally, to raise an account in the treasury books, in every instance, for the several appropriations made by the legislature, so that the appropriations of money and application thereof conformably thereto, may appear clearly and distinctly on the treasury books.

Accounts to be opened for all sums unappropriated.

XXX. *And be it enacted* by the authority aforesaid, That the treasurers shall, forthwith, open, in their respective books, an account in the name of the State of South Carolina; in which account they shall enter the amount of all sums now in the treasury unappropriated; and in like manner shall enter all sums of the same nature that shall hereafter be received by them respectively; which sums are hereby placed under the superintendence of the comptroller, to be applied, at such times and in such manner, for the purposes aforesaid, as he and the standing committee of the legislature shall, in their discretion, think fit, by drafts to be made by the comptroller on the treasury; and the said comptroller is hereby required to render, annually, to the legislature, a full account of his transactions.

Securities of tax collectors.

XXXI. *And be it enacted* by the authority aforesaid, That the securities of the several tax collectors, who may be hereafter appointed in this State, shall be approved of by the commissioners who approve of the securities given by the sheriffs of the several districts in which they are appointed respectively.

Taxes in Barnwell district.

XXXII. *And be further it enacted* by the authority aforesaid, That in future the tax collector of Barnwell district be authorized to receive and collect all the taxes within the limits of the said district.

Repealing clause.

XXXIII. *And be it further enacted* by the authority aforesaid, That all acts, clauses, provisions and parts of acts, repugnant or contrary to the true intent and meaning of this Act, be, and the same are hereby, repealed.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States of America the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

A. D. 1803.

AN ACT TO AUTHORIZE THE PRODUCTION OF OFFICE COPIES OF GRANTS IN EVIDENCE, UNDER CERTAIN RESTRICTIONS. No. 1805.

Preamble.

WHEREAS, the courts of law in this State have decided, that office copies of grants of land cannot be produced in evidence, without first proving the loss of the originals, by reason whereof many of the good citizens of this State are placed in the hazard of losing their lands, although justly entitled to them, because, during the revolution a very large portion of the citizens lost a part, and in many instances the whole, of their titles, deeds and papers; and others have, by accident, lost their original grants. And whereas, it generally has been difficult, and it is daily becoming more difficult, to prove such loss, because the witnesses capable of proving the same are already dead or far advanced in life:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be lawful, at any time hereafter, in every court of this State, for any party, plaintiff or defendant, to produce in evidence, a copy certified by the Secretary of State and surveyor-general, of any grant and plat of land issued under the authority of this State, or certified copies of grants, under the authority of the State of North Carolina: Provided, that the person or persons so applying to produce an office copy of a grant in evidence, swear that the original grant is lost, destroyed, or out of his, her or their power to produce; and that he, she or they, have not destroyed, mislaid, or in any way willingly, previous to that time, put it out of his, her or their power to produce the same, with an intention to produce an office copy of the same in evidence: And provided also, that nothing herein contained shall be construed to deprive any party in possession of the original grant, of any advantage he would have had or derived from possessing the same, in case this Act had never been passed.

Office copies of grants to be evidence.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States of America the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE RICHARD ANDREWS RAPLEY, JULIUS NICHOLS, No. 1806.

HENRY WILSON AND JOHN BOWIE, TO SELL AND DISPOSE OF ALL THE LANDS, TOWN LOTS AND BUILDINGS OF THE COLLEGE OF CAMBRIDGE.

WHEREAS, it hath been represented by petition, that the surviving trustees of the College of Cambridge find it impossible to form a board, in consequence of the death, removal, and remote residence of some of the trustees:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Richard Andrews Rapley, Julius Nichols, Henry

A. D. 1803.

Wilson and John Bowie, be, and they are hereby, authorized and empowered to sell and dispose of all the lands, town lots, buildings, and other property belonging to the college of Cambridge, on a credit of one and two years; and to pay and discharge all the debts, dues and demands which may be due and owing by the said college; and to apply the surplus, if any there should be, towards the establishment of grammar schools within the district of Abbeville.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States of America the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

No. 1807. AN ACT directing the Secretary of State to give up the bond of Thomas Gough, given for building and keeping in order a Bridge over Pon Pon River at Jacksonborough, and to vest the Ferry in Leslie Gough, for fourteen years.

(Passed December 17, 1803. *See last volume.*)

No. 1808. AN ACT to continue for fourteen years an Act entitled "An Act to incorporate certain Mechanics, Manufacturers and Handicrafts of the City of Charleston, by the name of the Charleston Mechanic Society;" and to alter and amend the same.

(Passed December 17, 1803. *See last volume.*)

No. 1809. AN ACT' APPOINTING COMMISSIONERS TO RUN OUT THE LINES OF THE SEVERAL ELECTION DISTRICTS THEREIN MENTIONED; AND TO ASCERTAIN THE DIVIDING LINE BETWEEN ORANGE AND WINTON COUNTIES.

Preamble.

WHEREAS, the dividing lines between the election districts of Saint Matthew's and Saxegotha have never been ascertained and marked out, by reason of which great inconveniencies have arisen, the managers of elections not knowing whose votes to receive, and in carrying into execution the road laws of this State:

Commissioners appointed.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Alexander B. Stark, John Hill, Doctor Jamieson, Jacob Rumph, Jr. and Benjamin Hart, be, and they are hereby appointed, commissioners, and they, or a majority of them, are hereby invested with full power to run, mark out, and blaze the same, in the follow-

ing manner, that is to say: the old dividing line between the parishes of St. Matthew's and Orange shall be continued until it strikes Beaver creek, if the same can be found; otherwise a line shall be run from the head of Four Hole Swamp, N. 45° W. until it strikes Beaver creek on its main branch; and shall be known and considered as the dividing line between the said parishes of St. Matthew's and Orange; and Beaver creek, from where the said line strikes its main branch, down to its entrance into the Congaree river, shall be the dividing line between St. Matthew's and Saxegotha. The dividing line between Orange and Saxegotha shall commence where the line dividing St. Matthew's from Orange parishes shall strike the main branch of Beaver creek; and the old dividing line, if it can be found, shall be pursued; otherwise it shall run from thence S. 54° W. until it strikes the road in the fork of Edisto leading from Orangeburgh to Cambridge, and (for the purpose of ascertaining the line between Orange county and that part of Winton county which lies north of South Edisto,) from thence the same course until it strikes South Edisto river.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall proceed in running out the lines aforesaid, on or before the first day of June next, and that they employ a surveyor to run out, and persons to blaze the same, on the most reasonable terms they can, to be paid by the State; and that they return a plot thereof into the surveyor general's office of this State, who is hereby directed to record the same, and file the original in the secretary's office at Columbia. A. D. 1803.
Their powers and duties.

III. *And be it further enacted* by the authority aforesaid, That the lines so run out shall be hereafter the limits of the parish of St. Matthew's or Lewisburg county, and Orange parish or county, and Lexington county; and the tax collectors, commissioners of the roads, and other officers, shall notice the same as the limits of their respective precincts.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States of America the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

**AN ACT TO AUTHORIZE THE TREASURER AT COLUMBIA TO DELIVER No. 1810.
TO WILLIAM ZIMMERMAN THE CERTIFICATES THEREIN MENTIONED.**

WHEREAS, William Zimmerman, by his petition to the legislature, hath set forth that on the twenty-eighth day of July, in the year of our Lord one thousand seven hundred and ninety-nine, he caused to be registered in the books of the treasurer at Columbia two indented certificates of this State, of the tenor and descriptions following, that is to say: one certificate granted to Shadrach Williamson, for eight pounds eight shillings and ten pence one farthing; the interest of which, calculated to the first of October, one thousand eight hundred, amounting to seven pounds seven shillings and one penny three farthings; one other certificate, granted to Samuel Perritt, for four pounds nineteen shillings and three pence halfpenny, with the interest calculated to the time aforesaid, amounting to four pounds thirteen shillings and seven pence three farth-

Preamble.

A.D. 1803.

ings. And whereas, the said William Zimmerman hath stated to the legislature that he hath lost the original certificates aforesaid, and prays that the treasurer at Columbia be authorized and directed to deliver to him new certificates of the descriptions of those so by him as aforesaid lost :

Treasurer to
deliver new
certificates to
Wm. Zimmer-
man.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the treasurer at Columbia be, and he is hereby, authorized and directed to deliver to the said William Zimmerman two new certificates of the descriptions of those above mentioned, in lieu of those so by him as above mentioned, said to be lost. Provided, that the said William Zimmerman shall, before he be permitted to receive such new certificates, give bond with security, to the treasurer, to indemnify the State against the demand or demands of any person or persons hereafter holding and possessing the said original certificates, and against any claim or claims against the State on that account.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States of America the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

No. 1811. AN ACT to alter part of an Act entitled "An Act respecting Slaves, Free Negroes, Mulattoes and Mestizoes; for enforcing the more punctual performance of Patrol duty; and to impose certain restrictions on the emancipation of Slaves."

(Passed December 17, 1803. *See last volume.*)

No. 1812. AN ACT to amend an Act entitled "An Act establishing a Tobacco Inspection in the City of Charleston."

(Passed December 17, 1803. *See last volume.*)

No. 1813. AN ACT TO ALTER THE PLACE OF HOLDING ELECTIONS FOR MEMBERS OF THE LEGISLATURE, IN THE ELECTION DISTRICTS THEREIN MENTIONED.

Preamble.

WHEREAS, by the Act of Assembly passed on the seventh day of March, in the year of our Lord one thousand seven hundred and eighty-nine, the managers of the elections for members of the Legislature for the parish of Christ Church, shall hold the same at the house of James Gotier

Eden; but by reason of the death of the said James Gotier Eden, the occupation of the said house has become abandoned, and the holding of elections at the same inconvenient: A. D. 1803.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in all future elections for members of the legislature for the parish of Christ Church, the managers of elections shall hold and conduct the same at the Independent Church in the said parish, on the first day of the said elections, and at the Episcopal Church in the said parish, on the second day of the said election. Places for holding elections in Christ Church parish.

II. *And be it further enacted* by the authority aforesaid, That so much of the said above recited Act as relates to the holding of elections in and for the parish of Christ Church, be, and the same is hereby, repealed.

III. *Be it further enacted* by the authority aforesaid, That all elections for the district of Fairfield, for members of the Senate and House of Representatives, shall, in future, be held on two and the same days, at Fairfield court-house, and at the house at present in the occupation of Ezekiel Wooley, at a plantation called Sutton's Old Place; and managers shall be appointed for holding the elections at each of the places aforesaid; and the said managers shall meet, the day after, at the court-house of Fairfield, to count over the votes and declare the election. Fairfield district.

IV. *Be it enacted* by the authority aforesaid, That all elections for the district of York for members of the Senate and House of Representatives, shall, in future, be held on two and the same days, at the three following places, that is to say; at York court-house, and at the house of William Elliott, on the Indian land, and at Dill's mill, on King's creek. And managers shall be appointed for holding the elections at and for the places aforesaid; and the said managers shall meet, the day after the said elections, at the court-house for York district, to count over the votes and declare the election. York district.

V. *And be it enacted* by the authority aforesaid, That so much of an Act passed the seventh day of March, one thousand seven hundred and eighty-nine, be, and the same is hereby, repealed, so far as relates to fixing the general election at Kingstree and the house of George White, in Williamsburgh election district. Williamsburg.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States of America the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

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AN ACT to alter and amend the several Acts respecting the importation of bringing into this State, from beyond seas, or elsewhere, Negroes and other Persons of Colour; and for other purposes therein mentioned. No. 1814.

(Passed December 17, 1803. *See last volume.*)

A. D. 1803.

No. 1815. *AN ACT* TO AID THE ESTABLISHMENT OF THE SOUTH CAROLINA COLLEGE;
AND TO AMEND AN ACT ENTITLED "*An Act to establish a College at Columbia.*"

Trustees meeting, although not a quorum, may transact business.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assemlly, and by the authority of the same, That if at any stated or other meeting, to be held by the trustees of the South Carolina College, any less number than a quorum, as established by the said Act, shall attend, the members so attending shall have power to appoint a chairman, and to meet and adjourn, from time to time, as the majority shall think fit.

In the absence of the president trustees may appoint a president pro tem.

II. *And be it further enacted* by the authority aforesaid, That if at any stated or other meeting of the said board, the president shall not attend, it shall and may be lawful for the number of eleven at a stated meeting, or the number of seven at an occasional meeting, to elect a president *pro tempore*; and the meeting so constituted shall be vested with all the powers which an occasional or stated meeting may respectively exercise; any thing in the said Act to the contrary notwithstanding.

Two squares of land to be conveyed to the trustees.

III. And whereas, sundry persons, proprietors of those two squares of land situate upon and circumscribed by Medium and Pendleton, Sumter and Bull streets, have signified their assent to relinquish to the said trustees their right and interest in the said two squares, upon being compensated by an exchange of other lands, or otherwise; *Be it further enacted* by the authority aforesaid, That the commissioners of the town of Columbia shall convey and assure to the said trustees, the said two squares of land, or so much thereof as the purchasers shall voluntarily relinquish; and shall make such compensation to the said purahasers, by exchange or otherwise, as shall be agreed upon by and between them and the said purchasers; and that it shall be lawful for the said trustees to enclose the said two squares, with the squares lying next to the southward thereof, in one enclosure, notwithstanding the intervening streets.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States of America the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

No. 1816. *AN ACT* to relieve the inhabitants of Charleston district from the unequal duty of serving on Juries, and to make their duty uniform with that of the citizens of other districts.

(Passed December 17, 1803. See last volume.)

A. D. 1803.

AN ACT TO ALTER AND AMEND AN ACT ENTITLED "*An Act concerning Estrays.*" No. 1817.

WHEREAS, the present Act entitled "*An Act concerning Estrays,*" Preamble. is found to be inconvenient :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, if any estray shall be found wandering in or about the plantation of any freeholder or settled resident, he, she or they are hereby authorized and empowered to take the same into possession, and shall advertise the same within three days thereafter, in three or more public places in the said county or parish wherein the said person or persons, so taking up the said estray, may reside ; and the said person or persons shall, within ten days after advertising as aforesaid, take such estray to the nearest magistrate ; excepting hogs, sheep, neat cattle or goats, which shall be appraised at the place taken up. And the said magistrate shall cause the same to be appraised, on oath, by three proper persons in the vicinage, who shall certify such their appraisement under their hands ; which certificate shall also contain an accurate description of the colour, size, age, brands and marks, of said estray ; all which being done, the said magistrate shall enter the said certificate at large in his toll book ; and shall, within ten days thereafter, send a duplicate of the said certificate to the clerk of the court of the district in which the said estray shall be taken up ; except in the districts of Charleston and Beaufort, who shall enter the same at large in a book to be kept by him for that purpose, which shall always be subject to the examination of any person requiring to examine the same. And for making the said entry, for each horse, mare, ass and mule, shall receive fifty cents ; and for each head of neat cattle, and for each head of hogs, and sheep or goats, he shall be entitled to receive twelve and a half cents, to be paid him by the person who shall take up the same.

Estrays taken up, to be advertised and appraised.

Compensation to magistrates for tolling.

II. *And be it enacted* by the authority aforesaid, That where no owner shall appear and prove his property within six months after the posting up the advertisement aforesaid, it shall be lawful for the magistrate before whom such estray shall be brought, and he is hereby required, to cause the same to be publicly advertised for ten days, and sold on a credit of six months ; and the purchaser shall give his note, with approved security, to the magistrate, in the name of the commissioners of the roads in the district or parish wherein such estray shall be taken up ; which note the said magistrate shall deliver immediately to the said commissioners of the roads for the parish or district in which such estray shall be taken up, who shall have power, in default of payment, to sue for and recover the same. And provided, any person doth put in a just and lawful claim to such estray at any time after the sale and before the note becomes due, the commissioners of the roads are hereby directed to give up the note to the claimant, on his paying the customary fees ; but if no such owner shall appear, the commissioners of the roads shall cause the amount of the same to be collected, and appropriated to the repairs of the high roads and bridges in the district, county or parish where such estray shall be taken up. And in case any part of the monies aforesaid remains unappropriated, in the hands of the commissioners of the roads, they shall pay over the same to the commissioners of the poor.

Estrays to be sold, unless claimed within six months.

III. *And be it enacted* by the authority aforesaid, That all stray horses,
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Estrays to be
advertised in a
gazette.

asses and mules, besides the above notice, shall be advertised in the gazette nearest to the place where such estray shall be taken up, for which the printer shall be entitled to one dollar, which shall be paid by the taker up of such estrays, or taken out of the sales of the same. And for all other estrays, the notice required in the first clause above shall be sufficient.

Compensation
to magistrates
and constables.

IV. *And be it enacted* by the authority aforesaid, That the magistrate shall be allowed three quarters of a dollar, and no more, on any horse, ass or mule, concerning which he shall proceed as aforesaid; and the same on a herd of any other estrays; but on a single estray of the kind last mentioned, he shall have one quarter of a dollar; and the constable employed by the magistrate shall receive half a dollar for every estray by him sold; except for neat cattle, hogs, sheep or goats, for which he shall receive ten cents, and six cents for every mile which he shall necessarily ride while employed as aforesaid, about any estray; the same to be paid by the owner, or from the monies collected on the notes aforesaid.

Estrays taken
up may be put
to moderate la-
bor.

V. *Be it enacted* by the authority aforesaid, That if any person or persons shall take up any horse, mare or gelding, ass or mule, he, she or they may be allowed to put them to moderate labour, as a compensation for keeping the same; and shall be liable to an action for damages by the owner of any such estray, for any abuse thereof, if the said owner shall claim the said estray within the time prescribed in this Act.

Penalty for not
pursuing the
directions of
this Act.

VI. *And be it further enacted*, That each and every person who shall take into his or her possession, any estray, and neglect to pursue the directions of this Act, or shall convert to his or her use any such estray, shall be liable to a fine of twenty dollars, to be recovered, upon information, in any court of record having jurisdiction of the same, in this State, to be given to the informer; and shall also be liable to an action on the case by the owner of any such estray, for damages, notwithstanding.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States of America the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

No. 1818. *AN ACT* TO AUTHORIZE THE SELLING OF THE SEVERAL COURT HOUSES AND GAOLS THEREIN MENTIONED.

Preamble.

WHEREAS, by the abolition of the county courts heretofore established in this State, the court houses and gaols, before that time erected in the several counties, for the use thereof, became, in many instances, of no use or public utility; and whereas, also, the officers of the said county courts had, at the abolition thereof, in many instances, demands against the said counties, for services performed, unsatisfied, for which hitherto there has been no provision made:

Sheriffs au-
thorized to sell
public build-
ings.

I, *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sheriffs of the several districts within this State, in which are any court houses, gaols, or other public buildings, late

the property of any county court of this State, not at present occupied, nor in any wise made use of by any of the present district courts within this State, nor in any other manner disposed of by law, except Lancaster and Fairfield, and also except the court house and gaol of Newberry, be, and they are hereby, severally authorized and required to expose to public sale, on some public sale day, in like manner as if the same had been levied upon by a *fieri facias*, the said several court houses, gaols and other public buildings, within their respective districts as aforesaid, upon a credit of twelve months; the purchaser giving bond, with sufficient security, to be approved of by the sheriff of such districts, payable to the treasurers of the said State for the time being, or their successors in office.

A. D. 1803.

II. *And be it further enacted* by the authority aforesaid, That each and every of the said county court officers of the counties in which such building or buildings shall as aforesaid be sold, having any demands for services performed under the authority of the said county courts, unsatisfied, shall cause to be laid before the comptroller general a fair and accurate statement of such demands, certified from the records of the said county courts by the keeper thereof, and accompanied with an affidavit of such officer, that such account is just and true, on or before the first day of October next. And the said comptroller general shall, and he is hereby directed to, examine all such accounts, and should he be satisfied of their authenticity, to direct the treasurers of the said State, or either of them, in whose hands, possession or power, are any of the monies arising as aforesaid from the sales of the said court houses, gaols and other public buildings, to pay and satisfy all such accounts so audited and passed by him as aforesaid, as far as the said monies will extend: Provided, that the monies so to be drawn from the treasury, and paid as aforesaid, arise from the sale of the public buildings in such district in which such demand is due and unsatisfied, and not otherwise.

Comptroller to settle with county officers.

III. *And be it further enacted* by the authority aforesaid, That should there be, in any case, after satisfying every such demand as aforesaid, an overplus of monies arising from the sale of the public buildings in any district as aforesaid, that such overplus shall be paid to the commissioners of the poor for such district. But should there not arise from the sale of the public buildings in any district as aforesaid, a sufficient sum of money to pay and fully satisfy all such accounts and demands of the officers of such district as aforesaid, then and in that case it shall be the duty of the said comptroller general, and he is hereby directed, to apportion the said monies in average to the several demands certified and authenticated as aforesaid, and direct the said treasurers, or either of them, to pay the several persons having demands as aforesaid, their due average and proportions thereof.

Monies arising from the sale of public buildings, how appropriated.

IV. *And be it further enacted* by the authority aforesaid, That all monies arising from the sale of the gaol of the late county court of Fairfield, under this Act, shall be applied and paid towards the discharge of a certain bond given by the justices of the late county court of Fairfield, to James Brown, for building the court house of the said county; any thing in this Act contained to the contrary thereof notwithstanding.

Monies arising from the sale of Fairfield gaol, how appropriated.

V. Whereas, the county court house and gaol in the district of Lancaster have been sold by the commissioners appointed to superintend the public buildings of the said district, and the monies thence arising remain in their hands unappropriated; *Be it therefore enacted* by the authority aforesaid, That the said commissioners shall immediately pay over all such monies as are in their hands as aforesaid to the treasury of this State, to be appropriated, under the direction of the comptroller general, in the

Lancaster court house and gaol.

A. D. 1803.

same manner as is provided for the monies arising from the sale of the other county court houses and gaols in this State.

Sheriffs to sell
public build-
ings.

VI. And whereas, also, by the late arrangement of the districts of this State, the court houses and gaols of the former districts became, in many instances, useless and unnecessary to the administration of justice; *Be it therefore enacted* by the authority aforesaid, That the sheriffs of the several districts as at present established, in which are any such court houses, gaols or other public buildings, heretofore occupied by the former district courts of this State, but at present in no manner employed by any of the district courts or courts of equity, shall cause the same to be sold, in the same manner and upon the same terms as aforesaid, and the monies thence arising to be paid into the treasury of this State; except the house built at Pinckneyville, for the gaoler of Pinckney district, the right of which is hereby vested in Elizabeth Bankhead and her heirs, forever.

Exception.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and in the twenty-eighth year of the Independence of the United States of America.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

No. 1819. *AN ACT* FOR THE BETTER REGULATING THE STREETS AND MARKETS IN THE TOWN OF WINNSBOROUGH; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, the inhabitants of the town of Winnsborough have, by their petition to the legislature of this State, set forth, that the powers vested in the commissioners of the streets of the said town, by the Act of Assembly, passed in March, one thousand seven hundred and eighty-seven, are not sufficiently extensive and complete, and not fully calculated for the well governing and regulating the streets and markets of the said town. And whereas, the inhabitants of the said town have, in their said petition, prayed the repeal of the said law:

Elections to be
held for com-
missioners.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That on the first Monday in April next, and on the first Monday in April in every year thereafter, an election, by ballot, for five commissioners of the streets and markets, shall be held at some convenient and public place in the town of Winnsborough, and that all free white male inhabitants of the said town, of the age of twenty-one years, who have been citizens of this State for two years, and who have resided in the said town twelve months previous to the said election, shall be entitled to vote for the said commissioners; and that James Becket and William M'Creight shall be, and they are hereby appointed, managers of the first election; and are hereby directed to conduct and manage the said election, and proclaim the same, and give notice in writing to the persons elected of their appointment.

II. *And be it further enacted* by the authority aforesaid, That the commissioners so elected as before directed, or any three of them, shall have power to appoint managers for each succeeding election of commissioners

of the town of Winnsborough. And in case of the death, resignation or removal out of town, of any commissioner, the said commissioners shall have full power, and they are hereby directed, to appoint a day for, and managers to conduct, the election for another commissioner to fill such vacancy occasioned as aforesaid. And it shall be the duty of such managers to give ten days notice, at least, previous to such election.

A. D. 1803.

Managers of
succeeding
elections ap-
pointed.

III. *And be it further enacted* by the authority aforesaid, That the commissioners of the streets and markets of the said town shall be, and they are hereby, vested with all the powers, within the limits of the said town, that are by law vested in commissioners of the roads; and the inhabitants of the said town shall be, and they are hereby, excused from working on the public roads without the limits of the said town.

Commissioners
vested with the
powers of com-
missioners of
roads.

IV. *And be it further enacted* by the authority aforesaid, That the said commissioners shall have power to grant tavern licenses, and licenses for retailing spirituous liquors, within the limits of the said town, and to receive the fees for the same.

May grant li-
censes.

V. *And be it further enacted* by the authority aforesaid, That the said commissioners shall have power to make, establish and pass, all such rules and regulations, within the limits of the said town, as they may deem proper and requisite for the promotion of the quiet and safety of the inhabitants of the said town, and for the regulation of the streets and markets, public springs or fountains of water, and performance of patrol duty, within the limits of the said town: Provided, such rules and regulations be not repugnant to the existing laws of this State or of the United States; and shall have power to impose such fine or fines on any person or persons who may infringe the by-laws, rules and regulations passed and enacted by the commissioners. Provided, that no penalty or fine for one and the same offence shall exceed twenty dollars; to be recovered in any court having jurisdiction.

May make
rules and regu-
lations.

And may im-
pose fines not
exceeding 20
dollars.

VI. *And be it further enacted* by the authority aforesaid, That the funds arising from the fines and forfeitures that may be incurred by the inhabitants from tavern licenses, and licenses for retailing spirituous liquors, shall be applied in keeping in repair the market, and in keeping in good order the public springs or fountains of water, and in opening and keeping in good order such streets in the town of Winnsborough as they shall judge for the convenience and utility of the inhabitants of the said town, and for the payment of the salary of a clerk of the market, and such other officers as they may appoint to carry this Act into effect.

How the funds
arising from
fines and licen-
ses, are to be
applied.

VII. *And be it further enacted* by the authority aforesaid, That so much of the Act passed in March, one thousand seven hundred and eighty-seven, which relates to the appointing and empowering commissioners of the streets in the town of Winnsborough, shall be, and the same is hereby, repealed.

Part of a for-
mer Act re-
pealed.

VIII. *And be it further enacted* by the authority aforesaid, That this law shall be taken and deemed as a public Act in all courts of this State, and given in evidence as such, without special pleading.

This Act a
public Act, and
to be of force
for 14 years.

IX. *And be it enacted* by the authority aforesaid, That this Act shall continue and be of force for fourteen years, and from thence until the next meeting and sitting of the legislature.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States of America the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

A. D. 1803.

No. 1820. AN ACT to incorporate the Town of Beaufort; and for other purposes therein mentioned.

(Passed December 17, 1803. *See last volume.*)

No. 1821. ACT ACT to establish certain Roads and Ferries; and for other purposes therein mentioned.

(Passed December 17, 1803. *See last volume.*)

No. 1822. AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THREE; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof.

Rate of taxation on lands.

II. *And be it enacted* by the authority aforesaid, That twenty-five cents per centum ad valorem be paid in specie or paper medium on all lands granted within this State, under the several regulations herein-after expressed. Class No. 1 shall contain all tide swamp of the first quality, not generally affected by the salts or freshes, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by the salts or freshes, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshes, which shall be rated at eight and a half dollars per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight and a half dollars per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; pine barren lands, adjoining or contiguous therunto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality to be rated at thirteen dollars per acre; the second quality at eight and a half dollars per acre; the third quality at four dollars per acre; excepting such as may be clearly proved to the collec-

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tors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamps and low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands on the Sea islands, (Slann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford, and the new boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in the classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one and a half dollar per acre; the second quality, at one dollar per acre; the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second at sixty cents per acre; and the third quality, at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

III. *And be it enacted by the authority aforesaid, That fifty cents per head shall be levied upon all slaves; the sum of two dollars per head on all free negroes, mulattoes, and mestizoes, between the ages of sixteen and fifty years; and twenty-five cents ad valorem on every hundred dollars of the value of all lands, lots and buildings within any city, village, or borough; and fifty cents per centum on all stock in trade, fac-<sup>Rate of taxing
slaves, &c.</sup>torage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium or specie.*

IV. *And be it enacted by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, lia-<sup>Slaves employ-
ed on Indian
lands.</sup>ble to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property or the estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, or the Fellowship Society, or of the estate of the late Doctor De la Howe, devised for charitable purposes, and that part of the estate of the late Thomas Wadsworth which was devised for the establishment of a school, or the Clarendon, or the High Hills of Santee, or the Camden Orphan Societies, or the Columbia Academy, or the lands and funds owned by the Free School at Dorchester, or the public lands held by the corporation of Charleston, or of the lands and funds of any society applicable to the education or main-tenance of public schools.*

V. *And be it further enacted by the authority aforesaid, That every person*

Exceptions.

A. D. 1803.

Absentees double taxed.

entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any young man sent abroad for his education, until he attains the age of twenty-three years; or the property of any person now absent from the United States, unless such person has been absent for one year.

What shall be received for taxes.

VI. *And be it enacted* by the authority aforesaid, That the tax collectors throughout this State shall receive no payment of taxes but in gold or silver coin made current in this State, the paper mediums issued under the authority of the Legislature, bank paper redeemable in the first instance in gold or silver at the bank of the United States, the branch bank thereof in Charleston, the bank of South Carolina, the State Bank, or certain certificates for the pay of the members of the Legislature, or the Solicitors, for their attendance on the Legislature.

Time of payment of the paper medium.

VII. *Be it enacted* by the authority aforesaid, That the instalments on the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid as directed by the Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and seven. Provided, that no person shall be entitled to the benefit of this clause who shall not give additional security, if required, to the treasurer at Charleston, in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which may be made in paying the interest to grow due on the first day of March next.

Copies of this Act to be furnished.

VIII. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act, and of the Act supplementary to an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," to each of the collectors appointed by law throughout this State, within one month after passing this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

Miller and Whitney.

IX. *And be it enacted* by the authority aforesaid, That the comptroller be authorized to recall or suspend the payment of his warrant for any appropriations heretofore made for the payments due or to become due to Miller and Whitney, any law to the contrary notwithstanding, until the event of existing disputes between the State and the said Miller and Whitney is concluded; and that notice be given to the public of this restriction.

Six per cent. debt.

X. *And be it enacted* by the authority aforesaid, That if at any meeting to be had by the comptroller general with the standing committee of the Legislature, after a review of the funds of the treasury, it shall to them seem convenient and proper to call in and redeem any portion or part of the six per cent. debt of this State then in circulation, it shall and may be lawful, and the comptroller general is hereby directed, to give three months public notice that, on the first Monday in April next, such part of the said six per cent. as may be agreed on to be redeemed, so as the same does not exceed one half of the said six per cent. debt, with interest up to that period, will be paid at the treasury in Charleston; and that no payment shall be made of the said reimbursement of the said six per cent. debt but to the proprietor or proprietors of the evidences of the debt, or

their attornies, specially authorized for that purpose; and to prevent frauds upon the public, it shall be the duty of the treasurer to indorse on the back of each stock certificate the amount of payments so to be made.

A.D. 1803.

XI. *And be it enacted*, That the following persons be, and they are hereby appointed, a standing committee, to carry into execution the provisions of this Act, referred to them: the President of the Senate, the Honorable W. A. Deas, John Blake, Theodore Gaillard, John Dawson, jr., and John Cords Prioleau.

Standing committee.

XII. *And be it enacted* by the authority aforesaid, that each and every enquirer, assessor and collector shall, on their enquiry for their return of taxes of this State for the year one thousand eight hundred and three, administer the following oath to all such persons as may be liable to pay the same, viz: "I, A. B., do solemnly swear (or affirm, as the case may be,) that the account which I now give in is a just and true account of the quantity and quality of the lands, and the number of slaves, on the first day of October, one thousand eight hundred and three, in any manner whatsoever, which I am possessed of, interested in, or entitled to, either in my own right or in the right of any other person whomsoever, either as guardian, executor, agent, attorney, trustee, or in any manner whatever, according to the best of my knowledge or belief; and that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked me touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever." And upon the principal sum of every sum or sums of interest money actually received, over and above what each person pays on account of interest, except where such interest money is received by any widow, orphan or unmarried woman, the said assessor, enquirer or collector, or assessors, enquirers and collectors, to whom the same shall be returned, shall assess the sum of twelve and one half cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportional sum on all other sums of money drawing less or more than seven per cent.; to be recovered in like manner, in case of default, as the collectors are authorized by law heretofore to do on their returns of lands or slaves.

Returns to be made to the collectors, &c. on oath.

XIII. *And be it enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, they shall be liable to and suffer the same forfeitures and pay the same penalties as are authorized by law in case of their refusing or neglecting to make a return of his, her, or their lands or slaves.

Property not returned.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States of America the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THREE. No. 1823.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of VOL. V.—60.

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the same, That the following sums be respectively appropriated for the salaries of public officers and other expenses and purposes of government:

For the salary of the Governor, two thousand five hundred and seventy-two dollars.

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of the six Judges of the courts of common law, each two thousand five hundred and seventy-two dollars—in the whole, fifteen thousand four hundred and thirty-two dollars.

For the salaries of the three Judges of the Court of Equity, each two thousand one hundred and forty-four dollars—in the whole, six thousand four hundred and thirty-two dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, in addition to his other duties, eight hundred and sixty dollars.

For the salaries of three Circuit Solicitors, each five hundred dollars—in the whole, fifteen hundred dollars.

For the salary of the Comptroller-general, two thousand five hundred dollars.

For the salaries of the Comptroller-general's clerks, and the stationary requisite for his office, one thousand six hundred dollars.

For the salary of the Treasurer of Charleston, as Treasurer and for transacting the business of the Loan Office, and Clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, one thousand two hundred and ninety dollars.

For the salary of the Clerk of the Treasurer in Columbia, four hundred dollars.

For the salary of the Clerk of the Senate, and the salary of the Clerk of the House of Representatives, each twelve hundred and thirty dollars; in the whole, two thousand four hundred and sixty dollars.

As compensation for the Clerk of the Court at Columbia, one hundred and forty dollars.

As compensation for the Clerk of the Court at Charleston, one hundred and forty dollars.

As compensation for the Sheriff of Richland district, for attending on the Constitutional Court at Columbia, fifty dollars.

As compensation for the Sheriff of Charleston district, for attending the Constitutional Court at Charleston, fifty dollars.

As compensation for two Messengers to the Legislature, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars.

For the keeper of the State House at Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, one thousand five hundred dollars.

For the salaries of nine Brigade Inspectors, each two hundred and sixteen dollars—in the whole, one thousand nine hundred and forty-four dollars.

As compensation for the Arsenal keeper and powder receiver, in the city of Charleston, two hundred and sixteen dollars.

As compensation for the Arsenal keepers and powder receivers of Abbeville, Camden, Georgetown and Beaufort, each fifty dollars—in the whole, two hundred dollars.

For the salary of the Port Physician of Charleston, six hundred dollars.

For the salary of the State Printer, one thousand one hundred and fifty-eight dollars.

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As compensation for the Pilot for the bar and harbour of Georgetown, three hundred and twenty-two dollars.

For Annuities, four thousand five hundred dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary of the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

For the expenses of carrying into effect the Quarantine Law, one thousand dollars.

As a contingent fund subject to the Governor's draft, he submitting an annual account of the expenditure thereof, six thousand dollars.

For the expenses of the Members of the Legislature at the present session, and pay of the Solicitors for their attendance, eleven thousand six hundred dollars.

For the purchase of books for a joint library for both branches of the Legislature, one thousand dollars.

As compensation for two Doorkeepers to the Legislature, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

For the Rev. Mr. Reed, for performing divine service during the session, one hundred dollars.

For certain repairs and alterations in the House of Representatives, two hundred and sixty-seven dollars and seventy cents.

George Waring, for two maps and plans of the town of Columbia, furnished the Legislature, one hundred dollars.

Judge Trezevant, his account against the State as late solicitor, one thousand three hundred and fifty dollars and forty-nine cents.

Richard Graham for pension, twenty-two dollars.

James Nipper for pension, twenty-two dollars.

Dennis O'Brien for pension, twenty-two dollars—to commence from the period when the resolution passed the Legislature in their favor respectively.

Bolling Bishop, for a wound received in the service of the State, two hundred dollars.

William Fullerton's account, twenty-six dollars ten cents.

Doctor Ramsay, according to a joint resolution, one hundred and sixty dollars and eighty-five cents.

James Hughling, for ditto, one hundred and twenty-two dollars forty-five cents.

Elijah Clark, for a negro executed, one hundred and twenty-two dollars and forty-five cents.

The Honorable William James, late solicitor, eight hundred and thirty-three dollars and fourteen cents.

Robert Hutchinson, for guarding Laurens gaol, thirty-three dollars.

Sampson Butler, for furnishing provisions to the guard at Edgefield gaol, seventy-seven dollars and sixty-two cents.

John Caleb, for his claim against the State, for land sold him, to which the State had no title, including his taxed costs, three thousand four hundred and sixteen dollars and twenty-five cents.

For the discharge of the contingent expenses of the upper division, six thousand nine hundred and twenty-four dollars eighteen cents.

For the discharge of the contingent expenses for the lower division, six thousand one hundred and thirty-three dollars eighty cents.

A. D. 1803.

Paper medium
to be burnt.

II. *And be it enacted* by the authority aforesaid, That the treasurer of the lower division of the treasury, under the direction of the Comptroller general, and in his presence and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, and any three of the Judges of the Courts of Law or Equity, or in the presence of a majority of the persons above named, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State, now resting to the credit of the State in the treasury of the lower division, and all that may be received previously to the next sitting of the Legislature; provided, the same shall not exceed the sum of forty-four thousand seven hundred and eighty-five dollars sixty-six cents, to be burned; and to report to the Legislature the amount of the medium which may be burned.

For the payment of Robert Ware's claim, three hundred and seventy-four dollars.

For Richard Clarke, for covering the Court House at Richland with the best Carnaevon slates instead of shingles, one thousand and fifty dollars.

For Robert Marion, trustee for Francis Marion, for his proportion for a negro executed for burglary, sixty-one dollars twenty-two cents.

For Jesse Vaugh, for his proportion as prosecutor for said negro so executed, sixty-one dollars and twenty-two cents.

For John Woodward, for claim against the State, for a tract of land purchased by him under a mortgage to the loan office, and of which he has been dispossessed by due course of law, one hundred and forty-seven dollars eighty-nine cents.

For making repairs to the Secretary's office in Charleston, twelve hundred dollars.

For Benjamin Haile, for arranging and putting in complete order the records of the court of the late Pinckney district, one hundred and fifty dollars.

For John Hampton, on account of his claim against the State for six and one half shares in the Broad and Pacolet Rivers, when the said John Hampton shall execute good and sufficient titles to the State for the said shares, fifteen hundred dollars.

Magazine
guard.

III. *And be it enacted* by the authority aforesaid, That the pay herein-after to be provided for the support and maintenance of the magazine guard, shall be restricted to that of an officer, sergeant and six men; and that the sum of two thousand two hundred dollars be appropriated for the payment of the said guard, under the direction of the comptroller general.

Funded debt to
be bought up.

IV. *And be it enacted* by the authority aforesaid, That the balance of interest which now remains, or hereafter shall remain, to this State, on the debt due by the United States, after paying the interest due on the funded debt of this State, and the amount of the principal which may be paid on the principal of the debt due to this State by the United States, shall be, and the same is hereby, appropriated to the purchase or redemption of the funded debt of this State, by the treasurer of the lower division, under the direction of the comptroller general and the standing committee of the legislature, appointed by an Act entitled "An Act to raise supplies for the year one thousand eight hundred and three." And all balances of cash which may remain in the treasury of this State, after paying the appropriations made by law, shall and may be applied, in the same manner, to the same use.

V. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, authorized and directed to discharge the debt due to the heirs or representatives of Mr. Streckheisen, according

to the contract, by paying the same to the person or persons who may be authorized to receive the same, agreeably thereto; and the comptroller is hereby further directed to require from said agent, at the final discharge of said debt, the contract aforesaid, duly cancelled; and the comptroller general is hereby further authorized and directed to sell, at the current market price, all or any part of the stock pledged for the payment of this debt, as may be necessary for the purpose.

A. D. 1804.

Debt due to M. Streckheisen to be paid.

VI. *And be it further enacted* by the authority aforesaid, That the account of James Taylor be, and the same is hereby, referred to the comptroller general; and it shall be the duty of the said comptroller general, after examining the said account, to issue his warrant on the treasury for the payment of whatever balance may be due on the same, to Colonel Thomas Taylor, or any other person lawfully authorized to receive the same, out of any unappropriated monies in the treasury.

Also account of James Taylor.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and three, and of the Independence of the United States of America the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

AN ACT to establish four Circuits for the Courts in the upper districts of this State. No. 1824.

(Passed December 21, 1804. See last volume.)

AN ACT TO CONSTITUTE THE CLERK OF ORANGEBURGH DISTRICT REGISTER OF MESNE CONVEYANCES FOR THE SAID DISTRICT. No. 1825.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the present clerk of Orangeburgh district, and his successors in that office, shall be, and hereby is constituted, register of mesne conveyances for the said district; and shall do and perform all the duties, be liable to the same pains and penalties, and be entitled to the same fees and perquisites now enjoined, inflicted and allowed the registers of mesne conveyances in the other districts, by virtue of any law now of force in this State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and four, and of the Independence of the United States of America the twenty-ninth.

JOHN WARD, *President of the Senate.*

W. C. PINCKNEY, *Speaker of the House of Representatives.*

A. D. 1804.

No. 1826. AN ACT to establish Williamsburgh County, according to its present limits, into a Circuit Court District.

(Passed December 21, 1804. *See last volume.*)

No. 1827. AN ACT to erect and establish Lexington County into a Circuit Court District; and for other purposes therein mentioned.

(Passed December 21, 1804. *See last volume.*)

No. 1828. AN ACT TO INCREASE THE NUMBER OF JUSTICES OF THE QUORUM AND OF THE PEACE IN SEVERAL OF THE DISTRICTS OF THIS STATE.

WHEREAS, it is expedient and necessary to increase the number of justices of the quorum and justices of the peace in several districts in this State:

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act the number of justices of the quorum and justices of the peace in the several districts in this State, hereafter mentioned, shall be increased in manner following, that is to say:

For the district of Fairfield, three justices of the quorum, in addition to the number already allowed by law.

For the district of Edgefield, three justices of the quorum and three justices of the peace, in addition to the number already allowed by law.

For the district of Chester, one justice of the quorum and one justice of the peace, in addition to the number already allowed by law.

For the district of Union, two justices of the quorum, in addition to the number already allowed by law.

For the district of York, two justices of the quorum and one justice of the peace, in addition to the number already allowed by law.

For the district of Greenville, three justices of the quorum and four justices of the peace, in addition to the number already allowed by law.

For the district of Spartanburgh, two justices of the quorum and two justices of the peace, in addition to the number already allowed by law.

For the district of Richland, one justice of the quorum and two justices of the peace, in addition to the number already allowed by law.

For the district of Winton, two justices of the quorum and three justices of the peace, in addition to the number already allowed by law.

For Lewisburgh, in the district of Orangeburgh, one justice of the quorum, in addition to the number already allowed by law.

For St. John's, Colleton, one justice of the quorum and one justice of the peace, in addition to the number already allowed by law.

For Pendleton, five justices of the quorum and twelve justices of the peace, in addition to the number already allowed by law.

Additional
number of
Justices.

A. D. 1804.

For the parishes of St. Philip's and St. Michael's, two justices of the quorum and three justices of the peace, in addition to the number already allowed by law.

For Newberry district, two justices of the quorum and three of the peace, in addition to the number already allowed by law.

For Laurens district, two justices of the quorum and four of the peace, in addition to the number already allowed by law.

For the parish of Prince William, one justice of the peace, in addition to the number already allowed by law.

For Abbeville district, four justices of the quorum, in addition to the number already allowed by law.

For the election district of Williamsburgh, two justices of the quorum and two of the peace, in addition to those already allowed by law.

For the parish of St. Luke, one justice of the quorum and two of the peace, in addition to those already allowed by law.

For the election district of Kingston, two justices of the peace, in addition to the number already allowed by law.

For the district of Marion, two justices of the quorum and two of the peace, in addition to the number already allowed by law.

For St. George's, Dorchester, one justice of the quorum and one of the peace, in addition to the number already allowed by law.

For the district of Kershaw, one justice of the quorum and one of the peace, in addition to the number allowed by law.

For the parish of St. James, Goose Creek, one justice of the quorum and two of the peace, in addition to those allowed by law.

For the parish of All Saints, four justices of the quorum and five justices of the peace.

For Prince George, Winyaw, one justice of the peace, in addition to those already allowed by law.

For St. Paul's parish, two justices of the quorum and one justice of the peace, in addition to those already allowed by law.

For Lancaster district, two justices of the quorum, in addition to those now allowed by law.

II. *And be it enacted* by the authority aforesaid, That Darlington district shall have one justice of the quorum and one justice of the peace, in addition to the number now allowed by law.

For the parish of St. Bartholomew's, two justices of the quorum and three of the peace, in addition to those now allowed by law.

III. *And be it further enacted* by the authority aforesaid, That the treasurers of the upper and lower divisions of the treasury, the clerks of the several courts of record in this State, the ordinaries, registers of mesne conveyance, and notary publics, shall be, and they are hereby declared to be, ex-officio, justices of the quorum, so far as relates to the duties of their respective offices, in addition to the several justices of the quorum heretofore appointed; any law, usage or custom to the contrary notwithstanding.

Justices ex officio.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and four, and in the twenty-ninth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

W. C. PINCKNEY, *Speaker of the House of Representatives.*

A. D. 1804.

No. 1829. AN ACT concerning the line of division between this State and the State of North Carolina.

(Passed December 21, 1804. *See Vol. I. p. 415.*)

No. 1830. AN ACT to authorize the City Council of Charleston, with the consent of Congress, to impose and levy a duty on the tonnage of ships and vessels, for the purpose therein mentioned.

(Passed December 21, 1804. *See last volume.*)

No. 1831. AN ACT for extending the incorporation of the Saint Andrew's Society.

(Passed December 21, 1804. *See last volume.*)

No. 1832. AN ACT TO APPOINT COMMISSIONERS TO CAUSE TO BE RUN OUT AND MARKED THE DIVISION LINE BETWEEN THE DISTRICT OF CHESTERFIELD AND THE DISTRICT OF DARLINGTON; AND FOR OTHER PURPOSES THEREIN MENTIONED.

WHEREAS, it is necessary and proper that the line of division already fixed by law between the district of Chesterfield and the district of Darlington, in the State aforesaid, should be run out and marked :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William Falconer, Major J. Dewit, on the part and behalf of the district of Chesterfield, and Captain John Norwood and Alexander M'Intosh, on the part and behalf of the district of Darlington, or a majority of them, be commissioners, to have full power to cause the said line of division, as now fixed by law, between the said districts, to be run out and marked; and to procure and employ surveyors and axe men to assist them in running and marking the same.

II. *And be it further enacted* by the authority aforesaid, That the legislature will provide the necessary expenses to be incurred by carrying the foregoing Act into effect.

In the Senate House, December the twenty-first, in the year of our Lord one thousand eight hundred and four, and of the Independence of the United States of America the twenty-ninth.

JOHN WARD, *President of the Senate.*

W. C. PINCKNEY, *Speaker of the House of Representatives.*

A. D. 1804.



AN ACT APPROPRIATING THE SUM OF ONE THOUSAND TWO HUNDRED DOLLARS FOR THE PURCHASE OF ABRAHAM; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1833

WHEREAS, a certain negro man named Abraham, belonging to Mr. William Kirk, has rendered certain meritorious services to this State, for which he ought to be rewarded :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Comptroller general be, and he is hereby, authorized and directed to issue his warrant, directed to the treasurer of Charleston, to pay over to him the sum of one thousand two hundred dollars ; and the said sum, when received, to apply to the purchase of the said negro man Abraham ; and to take and receive from his present master, William Kirk, a receipt for the same, expressing to be the full consideration for the said negro Abraham ; and the said receipt to record in the office of the Secretary of State ; and on the recording thereof, the said negro man Abraham shall be, and he is hereby declared to be, emancipated, and for ever set free ; any law, usage or custom to the contrary in any wise notwithstanding.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and four, and in the twenty-ninth year of the Independence of the United States of America.

JOHN WARD, *President of the Senate.*

W. C. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT to incorporate the several Religious Societies therein mentioned. No. 1834.

(Passed December 21, 1804. *See last volume.*)

AN ACT to vest in James H. Ancrum and his heirs and assigns, for a term of years, the Bridge called Rantole's Bridge and causeway, to fix the rates of toll thereof, and for other purposes therein mentioned ; and for establishing certain other Ferries and Bridges ; and appointing certain Commissioners of Roads in this State. No. 1835.

(Passed December 21, 1804. *See last volume.*)

A. D. 1804.

No. 1836. *AN ACT* TO COMPEL PERSONS HAVING ANY PAPERS OF THE LATE COUNTY COURTS, APPERTAINING TO THE OFFICE OF ORDINARY, TO DELIVER THE SAME TO THE RESPECTIVE JUDGES OF THE COURTS OF ORDINARY.

Preamble. WHEREAS, much inconvenience has arisen, and daily does accrue, to the citizens of this State, by reason of the papers and records of the late county courts, appertaining to the ordinary's office, remaining in the offices of the clerks of the district courts within this State:

Documents of the Court of ordinary.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the clerks of the several districts courts within this State, and all persons having any papers, books or records of the late county courts, relating or appertaining to business of the courts of ordinary, be, and they are hereby, directed and required to deliver over to the judge of the courts of ordinary, in his respective districts, all such papers and books, exclusively relating to or appertaining to the said courts of ordinary, and not containing any of the minutes or records of the late county courts; any law, usage or custom to the contrary notwithstanding.

Office hours for certain districts.

II. *And be it further enacted* by the authority aforesaid, That the several ordinaries for the districts of Pendleton, Greenville, Laurens, Spartanburgh, Newberry and Lancaster, be, and they are hereby, respectively directed to attend at the court house of their several districts, on the first Monday in every month in every year, from and after the first day of February next, from the hour of ten in the morning till four in the evening, then and there to receive and transact any business that may be offered, appertaining to their offices.

Penalty.

III. *And be it further enacted* by the authority aforesaid, That should any ordinary for the aforesaid districts fail or neglect to comply with the injunctions above enacted, he or they shall, for every such offence, forfeit and pay the sum of twenty dollars, to be recovered by any person who shall sue for the same in any court of law having competent jurisdiction.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and four, and of the Independence of the United States of America the twenty-ninth.

JOHN WARD, *President of the Senate.*

W. C. PINCKNEY, *Speaker of the House of Representatives.*

No 1837. *AN ACT* TO INDEMNIFY SAMUEL HARRIS FOR THE LOSS OF A NEGRO, KILLED WORKING ON THE ROADS, IN THE PUBLIC SERVICE.

WHEREAS, Samuel Harris has set forth in his petition to the legislature, that the only negro man slave which he owned, was accidentally killed whilst working on the public roads; and it is just and reasonable that he should be compensated therefor:

I. *Be it therefore enacted*, by the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority

of the same, That the comptroller is hereby authorized and directed to issue a warrant, directed to the treasurer at Columbia, authorizing him to pay to the said Samuel Harris the sum of four hundred dollars, to indemnify him for the loss of his said negro.

A. D. 1804.

In the Senate House, December the twenty-first, in the year of our Lord one thousand eight hundred and four, and of the Independence of the United States of America the twenty-ninth.

JOHN WARD, *President of the Senate.*

W. C. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND FOUR; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1838.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof.

II. *And be it enacted* by the authority aforesaid, That twenty-five cents per centum ad valorem be paid in specie or paper medium on all lands granted within this State, under the several regulations herein-after expressed. Class No. 1 shall contain all tide swamp of the first quality, not generally affected by the salts or freshes, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by the salts or freshes, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshes, which shall be rated at eight and an half dollars per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight and an half dollars per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; pine barren lands, adjoining or contiguous thereunto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality to be rated at thirteen dollars per acre; the second quality at eight and a half dollars per acre; the third quality at four dollars per acre; except such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamps and low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the old Indian boundary line,

Rate of taxation on lands.

A. D. 1804.

which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands on the Sea islands, (Slann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford, and the new boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in the classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one and a half dollars per acre; the second quality, at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality at sixty cents per acre; and the third quality, at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

Rate of taxing slaves, &c.

III. *And be it enacted* by the authority aforesaid, That fifty cents per head shall be levied upon all slaves; and the sum of two dollars per head on all free negroes, mulattoes, and mestizoes, between the ages of fifteen and fifty; and twenty-five cents ad valorem on every hundred dollars of the value of all lands, lots and buildings within any city, village, or borough; and fifty cents per centum on all stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium or specie.

Slaves employed on Indian lands.

IV. *And be it enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property or the estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, the Fellowship Society, or of the estate of the late Doctor De la Howe, devised for charitable purposes, and that part of the estate of the late Thomas Wadsworth which was devised for the establishment of a school, or the Clarendon, or the High Hills of Santee, or the Camden Orphan Societies, or the Columbia Academy, or the lands and funds owned by the Free School at Dorchester, or the public lands held by the corporation of Charleston, or of the lands and funds of any society applicable to the education or maintenance of public schools.

Exceptions.

Absentees double taxed.

V. *And be it enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the

employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any young man sent abroad for his education, until he attains the age of twenty-three years; or the property of any person now absent from the United States, unless such person has been absent for one year.

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VI. *And be it enacted* by the authority aforesaid, That the tax collectors throughout this State shall receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance in gold or silver at the bank of the United States, the branch bank thereof in Charleston, the bank of South Carolina, the State Bank, or certain certificates for the pay of the members of the Legislature, or the Solicitors, for their attendance on the Legislature.

What shall be received for taxes.

VII. *And be it enacted* by the authority aforesaid, That each and every enquirer, assessor and collector shall, on their enquiry for their return of the taxes of this State for the year one thousand eight hundred and four, administer the following oath to all such persons as may be liable to pay any of said taxes, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that the account which I now give in is a just and true account of the quantity and quality of the lands, and the number of slaves, on the first day of October, one thousand eight hundred and four, in any manner whatsoever, which I was possessed of, interested in, or entitled to, either in my own right or in the right of any other person whomsoever, either as guardian, executor, agent, attorney, trustee, or in any manner whatsoever, according to the best of my knowledge or belief; and that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked me touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever." And upon the principal sum of every sum or sums of interest money actually received, over and above what each persons pays on account of interest, except where such interest money is received by any widow, orphan or unmarried woman, the said assessor, enquirer or collector, or assessors, enquirers or collectors, to whom the same shall be returned, shall assess the sum of twelve and one half cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportionable sum on all other sums of money drawing less or more than seven per cent; to be recovered in like manner, in case of default, as the collectors are authorized by law heretofore to do on their returns of lands or slaves.

Returns of all property to be made on oath.

Tax on money at interest.

VIII. *And be it enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, they shall be liable to and suffer the same forfeitures and pay the same penalties as are authorized by law in case of their refusing or neglecting to make a return of his, her, or their lands or slaves.

Property not returned.

IX. *And be it enacted* by the authority aforesaid, That the instalments on the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid as directed by the Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and seven. Provided, that no person shall be entitled to the benefit of this clause who shall not give additional security, if required, to the treasurer at Charleston, in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which may be made in paying the interest to grow due on the first day of March next.

Time of payment of the paper medium.

A. D. 1804.

Copies of this
Act to be fur-
nished.

X. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act, and of the Act supplementary to an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," to each of the collectors appointed by law throughout this State, who have not yet been furnished with such supplementary Act, within one month after passing this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

Funded debt.

XI. *And be it enacted* by the authority aforesaid, That the balance of interest which now remains, or hereafter shall remain, to this State, on the debt due by the United States, after paying the interest due on the funded debt of this State, and the amount of the principal which may be paid on the principal of the debt due to this State by the United States, shall be, and the same is hereby, appropriated to the purchase or redemption of the funded debt of this State, by the treasurer of the lower division, under the direction of the comptroller and standing committee of the legislature; and all balances of cash which may remain in the treasury of this State, after paying the appropriations made by law, shall and may be applied, in the same manner, to the said use and purpose.

Standing com-
mittee.

XII. *And be it enacted* by the authority aforesaid, That the following persons be, and they are hereby appointed, a standing committee to carry into execution the provisions of this Act, referred to them: the President of the Senate, John Drayton, John Blake, Henry Deas, John Dawson, Jr. and Wm. Lee.

Sale of lands
postponed.

XIII. *And be it further enacted* by the authority aforesaid, That the Comptroller be, and he is hereby, required to postpone making sale of the lands directed to be sold by the twenty-third clause of an Act entitled "An Act supplementary to an Act entitled an Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein," until the first day of January, one thousand eight hundred and six.

Times for mak-
ing returns
and paying
taxes.

XIV. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, all persons liable to pay any tax hereafter to be imposed by any law of this State, shall, on or before the first day of February in each and every year, give in a just and true return of all slaves, and of the quality and quantity of lands, and monies at interest, as may be directed and required by said laws, which they may hold or be entitled unto in his, her or their own right, or the right of any person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever; and shall, on or before the first of May ensuing, pay their taxes to the collector of the collection district where the party making such return, either by himself, his or her family, may reside the greater part of the year. And that the said assessors or collectors shall annually pay the same, and settle their accounts with the treasurers, on the first day of June next ensuing, so far as respects the tax collectors of the lower division of the treasury.

Mortgaged
lands bought
in on account
of the State to
be sold.

XV. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums borrowed by them, and sales have been made of the lands mortgaged to secure the said loan, and the treasurers have bought in the said lands for defect of bidders, and the same remain as the property of the State, unproductive; and in other cases the property so sold has been purchased in by the mortgagors and others, who have not complied with the terms or conditions of the said sales; *Be it therefore enacted* by the authority aforesaid, That the treasurers aforesaid shall be,

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and they are hereby, authorized and directed to cause all the lands bought in as aforesaid on account of the State, and also all the lands purchased in by the mortgagers or other persons whomsoever who have not complied with the conditions of the former sales of the said property, to be put up to sale, in the districts in which they severally lie, by the sheriffs of the said districts, on a public sale day, after giving three months notice thereof, and shall sell the same to the highest bidder, who shall pay one fourth of the purchase money in cash, and the remaining three fourths in one and two years; for the performance of which he shall give his bond and mortgage of the premises, and also personal security, to be approved of by the sheriff and three commissioners, residing in such districts, to be nominated by the treasurers. Provided, no sale of the mortgaged lands shall take place when any person interested in the same shall, previous to the day of sale, tender one third part of the sum due, together with expenses incurred, and give bond, mortgage and security, as is hereinbefore directed, for the balance due, payable in one and two years; and that the said mortgaged property shall thereupon vest in the party so paying and giving security as aforesaid.

Proviso.

XVI. *And be it enacted* by the authority aforesaid, That on all sales made in pursuance of the next preceding clause, and under the authority thereof, the purchaser shall, immediately after the said property shall be knocked off to him, pay into the hands of the sheriff making the said sale a sum which shall at least be equal to ten per cent. upon the amount of his purchase, towards the payment thereof; and if he should fail or neglect to make such payment, the sheriff shall immediately set up the same property for public sale, upon the spot; and shall not, upon such re-sale, or any other sale of the same property made by virtue of this Act, receive the bid of the first purchaser or his agent. And that the sheriff shall, in all his advertisements of property sold by virtue of this Act, on account of the paper medium loan, give notice that he will require the payment of the said ten per cent.; to the end that no persons inclined to purchase at the said sales may be ignorant thereof.

Terms of such sales.

XVII. *And be it further enacted* by the authority aforesaid, That if any purchaser after paying the percentage aforesaid, shall fail or neglect to comply with the terms of the sale, all the money so paid shall be forfeited to the State; and shall be applied first to pay the costs and charges accrued or due upon the said sale; and the surplus, if any, shall be applied towards paying the debt. And the sheriff making the sale shall not at any re-sale of the same property, upon the same account, receive or take notice of any bid made by the first or any other former purchaser.

Forfeiture on not complying with the terms of such sales.

XVIII. *And be it further enacted* by the authority aforesaid, That if any person shall at any re-sale made by the sheriff on account of the first or any former purchaser having failed or neglected to pay the percentage aforesaid, or to comply with the terms and conditions of the sale, such person shall himself be bound by his purchase, and shall comply with this Act, and the terms and conditions of such re-sale, and shall not be allowed to say, set up, or pretend, that he bought the same as agent for the first or any former purchaser. Provided always, that it shall be publicly proclaimed by the crier at such sale, that the same was to be on account and risque of the first or some former purchaser; and that the conditions and terms of the sale shall, in like manner, be proclaimed by him immediately before the property is set up.

Terms of sale when lands re-sold.

XIX. *And be it enacted* by the authority aforesaid, That the twentieth clause of the Act entitled "An Act supplementary to an Act entitled an Act for declaring the powers and duties of the enquirers, assessors and col-

Former clause repealed.

A. D. 1804.

lectors of the taxes, and of other persons concerned therein," passed the seventeenth day of December, one thousand eight hundred and three, be, and the same is hereby, repealed.

Defaulters liable for any deficiency by such sales

XX. *And be it further enacted*, That in case of any re-sale made under the authority of the preceding clauses of this Act, on account or by reason of the non-payment of the ten per cent hereby required to be paid, or on account of the non-compliance with the conditions and terms herein before prescribed, the person or persons for whose default the said re-sale shall be made, shall be, and he, she and they is and are hereby declared, liable for any deficiency which may happen between the first and any subsequent sale of the said property; and the treasurers are hereby authorized and directed to commence suits for the recovery of any such deficiency.

Poor tax.

XXI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the tax collectors in this State to make, on the first Monday in September next, to the commissioners of the poor, in the parish or district in which any poor tax shall be by the said tax collectors respectively collected, a return of such poor tax, in like manner as they make their returns of the public tax to the treasurers of this State.

Transient poor fund of Charleston.

XXII. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed annually to call on the treasurer of the City Council of Charleston to render an account on oath to him of the application of such monies as are appropriated for the support of the transient poor, and for other purposes; and that the account so rendered be laid before the Legislature.

Tax collectors to return property lying in other divisions, for which taxes are paid them.

XXIII. *And be it further enacted* by the authority aforesaid, That the several tax collectors in each fiscal division of the State shall exhibit in some column of their return the number of acres of land lying within their respective divisions, and the number of acres lying elsewhere, and for which taxes shall be paid them; in like manner they shall exhibit in other columns the number of negroes within their divisions, and of those elsewhere, and where or which taxes shall be paid them; and in other separate columns exhibit the amount of taxes in their respective divisions, on every different article taxed by law; and the treasurers of each division, and the comptroller, shall preserve these columns in their aggregate of taxes to be laid before the next Assembly.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and four, and the twenty-ninth year of the Sovereignty and Independence of the United States of America.

JOHN WARD, *President of the Senate.*

W. C. PINCKNEY, *Speaker of the House of Representatives.*

No. 1839. *AN ACT* TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND FOUR.

Appropriations

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of public officers, and other expenses and purposes of government.

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For the salary of the Governor, two thousand five hundred and seventy-two dollars.

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of the six Judges of the courts of common law, each two thousand five hundred and seventy-two dollars—in the whole, fifteen thousand four hundred and thirty-two dollars.

For the salaries of the three Judges of the Court of Equity, each two thousand one hundred and forty-four dollars—in the whole, six thousand four hundred and thirty-two dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full recompense for the discharge of all the public duties incident to his office, as Attorney General, one thousand dollars.

For the salaries of three Circuit Solicitors, each, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, five hundred dollars—in the whole, fifteen hundred dollars.

For the salary of the Comptroller-general, two thousand five hundred dollars.

For the salaries of the Comptroller-general's clerks, and the stationary requisite for his office, one thousand six hundred dollars.

For the salary of the Treasurer of Charleston, as Treasurer and for transacting the business of the Loan Office, and Clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, and every contingency of said office, one thousand six hundred and ninety dollars.

For the salary of the Clerk of the Senate, and the salary of the Clerk of the House of Representatives, each twelve hundred and thirty dollars; in the whole, two thousand four hundred and sixty dollars.

As compensation for the Clerk of the Court at Columbia, one hundred and forty dollars.

As compensation for the Clerk of the Court at Charleston, one hundred and forty dollars.

As compensation for the Sheriff of Richland district, for attending on the Constitutional Court at Columbia, fifty dollars.

As compensation for the Sheriff of Charleston district, for attending the Constitutional Court at Charleston, fifty dollars.

As compensation for two Messengers to the Legislature, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars.

For the keeper of the State House at Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, one thousand five hundred dollars.

For the salaries of nine Brigade Inspectors, each two hundred and sixteen dollars—in the whole, one thousand nine hundred and forty-four dollars.

As compensation for the Arsenal keeper and powder receiver, in the city of Charleston, two hundred and sixteen dollars.

As compensation for the Arsenal keepers and powder receivers of Abbeville, Camden, Georgetown and Beaufort, each fifty dollars—in the whole, two hundred dollars.

For the salary of the Port Physician of Charleston, six hundred dollars.

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For the contract of the State Printer, one thousand one hundred and fifty-eight dollars.

As compensation for the Pilot for the bar and harbour of Georgetown, three hundred and twenty-two dollars.

For Annuities, six thousand five hundred dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary of the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

For the expenses of carrying into effect the Quarantine Law, one thousand dollars.

As a contingent fund subject to the Governor's draft, he submitting an annual account of the expenditure thereof, six thousand dollars.

For the expenses of the Members of the Legislature at the present session, and pay of the Solicitors for their attendance, eleven thousand six hundred dollars.

As compensation for two Doorkeepers to the Legislature, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

For the Rev. Mr. Reid, for performing divine service during the session, one hundred dollars.

To aid in supporting the transient poor of Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor for the parish of Prince George, Winyaw, and to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; and an account on oath to be returned to the comptroller, and by him submitted to the legislature.

For rebuilding the gaol and finishing the court house in Sumpter district, three thousand dollars.

Cox & Sheppard, for their account against the State for printing, fifty-eight dollars twenty-eight cents.

For repairing the Guard House in the City of Charleston, a sum not exceeding three thousand dollars.

For the discharge of the contingent expenses of the upper division, a sum not exceeding seven thousand six hundred and fifty dollars nine cents.

For the discharge of the contingent expenses of the lower division, a sum not exceeding four thousand six hundred and twenty-four dollars and seventy cents.

For the City Guard, payable to the City Council of Charleston, four thousand dollars.

For repair to the Gaol of Georgetown, a sum not exceeding two thousand six hundred and seventy dollars.

For the discharge of the late Comptroller General's three several warrants for ten thousand dollars each, to Messrs. Miller & Whitney, thirty thousand dollars.

For the purchase of Abram, twelve hundred dollars.

For arrears of annuity to Jane Crawford, sixty-five dollars.

For repairs of the State House at Columbia, a sum not exceeding nine thousand four hundred and fifty dollars.

For building the court house and gaol in Williamsburgh district, a sum not exceeding five thousand dollars.

For building a court house and gaol in Lexington district, a sum not exceeding five thousand dollars. A. D. 1804.

For compensation to Samuel Harris, four hundred dollars.

For Hubert Rees' demand, as late sheriff of Sumpter, two hundred and fifty-two dollars ten cents.

For arrears of annuity to Joseph Morris, two hundred and thirty-five dollars ten cents.

William Lloyd, for pension, twenty-two dollars.

Henry Gray, for a negro executed, one hundred and twenty-two dollars forty-five cents.

The executor or administrator of the estate of Richard Wither, for a negro executed, one hundred and twenty-two dollars forty-five cents.

Moses Lander, for pension, twenty-two dollars.

Benjamin Tyler, for pension, twenty-two dollars.

James Harbisson, for arrears of annuity, four hundred and fifty dollars.


William Copeland, for services during the late war, five hundred and forty-four dollars and fifty cents.

II. *And be it enacted* by the authority aforesaid, That the treasurer of the lower division of the treasury, under the direction of the Comptroller general, and in his presence and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, and any three of the Judges of the Courts of Law or Equity, or in the presence of a majority of the persons above named, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State, now resting to the credit of the State in the treasury of the lower division, and all that may be received previously to the next sitting of the Legislature, provided, the same shall not exceed the sum of sixteen thousand eight hundred and seventy-two dollars eighty-five cents, to be burned; and to report to the Legislature the amount of the medium which may be burned. Paper medium to be burnt.

III. *And be it further enacted*, That the pay hereinafter to be provided for the support and maintenance of the magazine guard, shall be restricted to that of an officer, sergeant and six men; and that the sum of two thousand two hundred dollars be appropriated for the payment of the said guard, under the direction of the comptroller general. Magazine guard.

IV. *And be it enacted* by the authority aforesaid, That the balance of the interest which now remains, or hereafter shall remain, to this State, on the debt due by the United States, after paying the interest due on the funded debt of this State, and the amount of the principal which may be paid on the principal of the debt due to this State by the United States, shall be, and the same is hereby, appropriated to the purchase or redemption of the funded debt of this State, by the treasurer of the lower division, under the direction of the comptroller general and the standing committee of the legislature, appointed by an Act entitled "An Act to raise supplies for the year one thousand eight hundred and four." And all balances of cash which shall remain in the treasury of this State, after paying the appropriations made by law, shall and may be applied, in the same manner, to the same use. Funded debt to be bought up.

V. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, authorized and directed to discharge the debt due to the heirs or representatives of Mr. Streckheisen, according to the contract, by paying the same to the person or persons who may be authorized to receive the same, agreeably thereto; and the comptroller is hereby further directed to require from said agent, that at the final discharge of said debt, the contract aforesaid, duly cancelled; and the comp- Debt due to M. Streckheisen to be paid.

A. D. 1804.  troller general is hereby further authorized and directed to sell, at the current market price, all or any part of the stock pledged for the payment of this debt, as may be necessary for the purpose.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and four, and of the Sovereignty and Independence of the United States of America the twenty-ninth.

JOHN WARD, *President of the Senate.*

W. C. PINCKNEY, *Speaker of the House of Representatives.*

No. 1840. *AN ACT* TO AUTHORIZE AND DIRECT THE TREASURERS TO RECEIVE THE PAY BILLS OF THE MEMBERS OF THE LEGISLATURE AND SOLICITORS, FOR THE PRESENT SESSION, IN PAYMENT OF TAXES, OR TO PAY THE SAME OUT OF THE UNAPPROPRIATED MONIES IN THE TREASURY; AND TO MAKE APPROPRIATIONS FOR THE REPAIRS OF THE GAOL IN ORANGEBURGH DISTRICT.

Pay bills of
members of
Legislature.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the President of the Senate and Speaker of the House of Representatives respectively are hereby authorized and required to sign, in behalf of the members in either house, respectively, bills or warrants for the usual pay allowed to the members of the legislature and the solicitors, for their attendance at the present sessions; and that the treasurers be, and they are hereby, authorized and directed to receive the aforesaid drafts in payment of taxes, or to pay the same out of the unappropriated monies of the State.

Certain appro-
priations.

II. *And be it further enacted* by the authority aforesaid, That the sum of twenty-five dollars be appropriated for the Reverend George Reid, for preaching before the Legislature; the sum of thirty-five dollars to the messenger, and the sum of thirty-five dollars to the doorkeeper of the Senate; and the sum of thirty-five dollars to the messenger, and the sum of thirty-five dollars to the doorkeeper of the House of Representatives; and the sum of one hundred dollars to the clerk of each house respectively; and the sum of one hundred dollars to the private secretary of the governor, for performing the duties of the secretary of state, absent with leave—for their attendance on the present session, in manner and form as is hereinbefore directed.

III. *And be it further enacted* by the authority aforesaid, That a sum not exceeding two hundred dollars be allowed, out of the unappropriated monies in the treasury, and be paid to the commissioners for repairing the gaol of Orangeburgh district.

In the Senate House, the sixteenth day of May, in the year of our Lord one thousand eight hundred and four, and of the Independence of the United States of America the twenty-eighth.

JOHN GAILLARD, *President of the Senate.*

ROBERT STARK, *Speaker of the House of Representatives.*

A. D. 1805.

No. 1841.

AN ACT TO SUPPLY THE DEFECTS OCCASIONED BY THE LOSS OF THE GREAT SEAL OF THIS STATE AFFIXED TO GRANTS FOR LAND WITHIN THE SAME.

Preamble.

WHEREAS, much inconvenience may arise, and great injury accrue to the citizens of this State, by reason that very many grants for lands within this State have not the great seal of the State to the same, and therefore may be considered in our courts of law as wanting that high degree of evidence which may be deemed necessary to authenticate such grants; for remedy whereof,

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, no grant for lands lying within the limits of this State, heretofore issued, shall be impeached or declared void in any court within this State, for or by reason that such grant shall not have the great seal of the State affixed thereto; but such grant, being in all other respects fairly and regularly completed, perfected and authenticated, (although the great seal of the State may be wanting thereto) shall be deemed and taken as good and legal evidence of a grant, in any court within this State; any law, usage or custom to the contrary thereof in any wise notwithstanding.

No grant to be void for want of the great seal.

II. And whereas, the affixing of the great seal of this State to grants for lands is inconvenient, and apt to cause the destruction of the same; *Be it therefore enacted* by the authority aforesaid, That from and immediately after the passing of this Act, it shall be the duty of the Secretary of State to affix to all grants hereafter to be issued, the small seal usually affixed by him to the commissions of public officers; and every grant so sealed shall be, and is hereby declared to be, as fully authenticated as if the great seal of the State had been affixed thereto; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Small seal to be affixed to grants.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT to alter and amend an Act entitled "An Act to incorporate the Town of Beaufort; and for other purposes therein mentioned." No. 1842.

(Passed December 14, 1805. *See last volume.*)

A. D. 1805.

No. 1843. *AN ACT* TO RATIFY AND CONFIRM THE ACTS AND PROCEEDINGS OF PERSONS HERETOFORE ACTING AS TRUSTEES OF THE COLLEGE OF COLUMBIA.

Preamble. WHEREAS, it has been recently discovered that there exists a variance between the enrolled Act entitled "An Act to establish a College at Columbia," of record in the office of the Secretary of State, and the printed copy thereof, promulgated by authority of the State, for the information of the public; by reason whereof divers persons named in said printed copy, but who are not mentioned in the original Act, were required to act as trustees of said college, and did accordingly interfere and act as such:

Former proceedings confirmed. I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all and every Act heretofore done, assented to or concurred in, by each and every person named as trustees in the printed copy of the Act entitled "An Act to establish a College at Columbia," passed the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, from the promulgation thereof until the passing of this Act, which would have been legal and valid had the said persons been named or appointed trustees in and by the enrolled Act aforesaid, shall be, and the same are hereby declared to be, ratified and confirmed, and held to be as firm and effectual in law, in as full and ample a manner as if their several and respective names had been inserted in said Act.

Associate judges made trustees. II. *And be it further enacted* by the authority aforesaid, That the associate justices of the court of common pleas for the time being, shall be, and they are hereby declared, ex-officio, to be trustees of the said college.

Time of meeting of trustees changed. III. *And be it enacted* by the authority aforesaid, That the stated meetings of the trustees of the said college shall, and the same is hereby declared to, be changed from the first Wednesday in December to the fourth Monday of November in each year.

College may confer degrees. IV. *And be it enacted* by the authority aforesaid, That the said college shall have full and ample power to confer degrees on students or such other persons as may be deemed qualified to receive the same.

Trustees to be elected by joint ballot. V. *And be it enacted* by the authority aforesaid, That such part of the said Act as directs a nomination of trustees by the legislature be, and the same is hereby, repealed; and that in cases in which heretofore the legislature might have nominated trustees, that the same shall be elected by a joint ballot of both branches of the legislature, and that the persons having the highest number of votes on such ballot, shall be, and are hereby declared to be, trustees of the said college.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Sovereignty and Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A. D. 1804.

AN ACT RELATIVE TO THE ESTATE OF THE LATE DR. JOHN DE LA HOWE. No. 1844.

WHEREAS, the late Dr. John De La Howe, by his last will and testament, vested certain real estates, in the district of Abbeville, in the Agricultural Society of this State, for the uses and purposes set forth in the said will ; and whereas, the said trustees have petitioned the legislature to accept of their resignation of the said trust :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the legislature of this State do hereby accept of the resignation of the said trustees, and that all powers, authorities and duties vested in or imposed upon the said trustees, do for ever hereafter cease and determine.

Resignation of the trustees accepted.

II. *And be it further enacted* by the authority aforesaid, That Colonel Joseph Colhoun, Peter Gibert, Andrew Norris, the Rev. Moses Waddell and Ezekiel Colhoun, be, and they are hereby appointed, trustees for the purposes of carrying into effect the said last will and testament of the said Dr. John De La Howe ; and that they are hereby vested with as full and ample powers, privileges and authorities, as the said Agricultural Society, by the said last will and testament of the said Dr. John De La Howe, was vested with.

Other trustees appointed.

III. *And be it further enacted* by the authority aforesaid, That in case of the death or resignation of any of the commissioners hereinbefore named, that the others or survivors shall have, and they are hereby vested with, full power and authority to fill up and supply any vacancy or vacancies so occurring. Provided always, that the said commissioners do annually account before the ordinary of Abbeville district, in the way and manner in which executors and administrators are by law required to account.

How vacancies are to be filled.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT to incorporate the Trustees of the Pineville Academy. No. 1845.

(Passed December 14, 1805. *See last volume.*)

AN ACT to incorporate the Botanic Society of South Carolina. No. 1846.

(Passed December 14, 1809. *See last volume.*)

A.D. 1805.

No. 1847. *AN ACT* TO AUTHORIZE THOMAS P. CARNES TO PRACTICE IN THE COURTS
OF LAW AND EQUITY IN THIS STATE.

WHEREAS, by a clause of an Act entitled "An Act to alter and amend the several Acts for establishing and regulating circuit courts throughout this State," passed the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, it is enacted, that no person hereafter shall be permitted to practice as an attorney or solicitor in any of the courts of this State, whose known and established residence shall not be within the same. And whereas, Thomas P. Carnes, of the State of Georgia, who had been admitted to practice in the said courts previous to the passing of the said Act, hath petitioned the Legislature to exercise his former privileges :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Thomas P. Carnes be, and he is hereby, authorized to practice in the courts of law and equity in this State; any thing in the before recited clause to the contrary notwithstanding.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1848. *AN ACT* TO PREVENT THE OPERATION OF THE LIMITATION ACT ON THE
LANDS OF THE LATE THOMAS WADSWORTH, ESQUIRE, DECEASED.

WHEREAS, the late Thos. Wadsworth, in and by his last will and testament, did devise certain lands, situated in different parts of this State, for the express purpose of supporting a free school in Laurens district, which cannot be effected in the manner contemplated by the deceased, and which in fact may ultimately be prevented, by the operation of the said Act :

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the operation of the Act of limitation shall be, and the same is hereby, suspended so far as it may relate to or affect the aforesaid lands of the said Thomas Wadsworth, deceased, so devised for purposes before mentioned.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A.D. 1805.

AN ACT TO AUTHORIZE ELIHU HALL BAY, ONE OF THE ASSOCIATE JUSTICES OF THE STATE, TO LEAVE THE SAME FOR TWELVE MONTHS. No. 1849.

WHEREAS, Elihu Hall Bay, Esq., hath petitioned the legislature for permission to leave the State for twelve months. And whereas, it is uncertain when the said Elihu Hall Bay may depart therefrom :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Elihu Hall Bay be, and he is hereby, authorized to leave the State for the term of twelve months, to be calculated from the time of his departure.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE DRAWING OF JURIES FOR WILLIAMSBURGH No. 1850.

DISTRICT; AND TO CARRY INTO EFFECT THE ACT OF THE LEGISLATURE ENTITLED "*An Act to erect and establish Lexington County into a Circuit Court District, and for altering the sitting of the Courts in Horry District;*" AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the courts in the southern circuit shall sit at the following times, at the places now by law established, that is to say : at Orangeburgh, for Orangeburgh district, on the second Monday in March and October in every year ; for Barnwell district, on the third Monday in March and October in every year ; for Edgefield, on the fourth Monday in March and October in every year ; for Newberry, on the first Monday after the fourth Monday in March and October in every year ; at Granby, for Lexington, on the second Monday after the fourth Monday in March and October in every year.

At what times the courts in the southern circuit are to sit.

II. *Be it enacted* by the authority aforesaid, That the court of Williamsburgh district shall be holden in future at Williamsburgh court house, on the twenty-first days of March and October in every year, and shall continue to sit for any time not exceeding five days ; and that the court of Horry district shall in future be held at the court house, in the district of Horry, on the twenty seventh days of March and October in every year ; and shall continue to sit for any time not exceeding four days.

Court of Williamsburgh to be holden at Williamsburgh court house.

III. *Be it enacted* by the authority aforesaid, That the sheriff who shall be elected for Lexington district, and the sheriff who shall be elected for Williamsburgh district, be, and they are hereby, authorized and required immediately after they shall be elected and commissioned, to make a jury list from the tax return of their respective districts of the preceding

Sheriffs to make jury lists.

A. D. 1865.

year, agreeably to law; and the said sheriffs respectively, and the respective clerks who shall be appointed and commissioned for the said districts of Lexington and Williamsburgh, shall forthwith draw from the said jury list, jurors to serve at the courts of common pleas and general sessions to be holden in and for the said districts of Lexington and Williamsburgh, at the times and places herein before appointed, in like manner as jurors are now drawn to serve in the courts of common pleas and general sessions in this State.

Sheriffs, clerks and coroners to be commissioned.

IV. *And be it enacted* by the authority aforesaid, That the sheriffs, clerks and coroners in and for the said districts of Lexington and Williamsburgh, shall be appointed and commissioned in the same manner as those officers have hitherto been appointed in the other districts of this State.

Clerk of Lexington to be ordinary and register.

V. *And be it enacted* by the authority aforesaid, That the office of ordinary and register of mesne conveyances shall be, and is hereby, vested in the clerk of the courts of common pleas and general sessions of the said district of Lexington.

Clerk of Williamsburgh to be register of mesne conveyances.

VI. *And be it enacted* by the authority aforesaid, That the office of register of mesne conveyances shall be, and is hereby, vested in the clerk of the said courts of common pleas and general sessions of the said district of Williamsburgh.

Clerks to issue writs of venire facias.

VII. *And be it enacted* by the authority aforesaid, That the clerks of the said courts of Lexington and Williamsburgh be, and they are hereby, authorized and required to issue a writ of *venire facias*, directed to their respective sheriffs, who shall summon the jurors so drawn as aforesaid, to appear and serve at the said courts; and that all jurors so summoned and failing to attend agreeably to such summons, shall be, and they are hereby declared to be, subject to the penalties prescribed by law against defaulters in like cases.

Suits depending in said districts, where to be determined.

VIII. *And be it enacted* by the authority aforesaid, That all suits and prosecutions depending in the courts of common pleas and general sessions at Orangeburgh, wherein the defendants reside in the district of Lexington, shall be removed to the courts of the said district of Lexington, and be there finally determined; and that all suits and prosecutions depending in the courts of common pleas and general sessions at Georgetown, wherein the defendants reside in the district of Williamsburgh, shall be removed to the courts of the said district of Williamsburgh, and be there finally determined; and that all recognizances entered into for the appearance of any person or persons at Orangeburgh, in cases which shall be transferred to Lexington, and all recognizances which shall be entered into for the appearance of any person or persons at Georgetown, in cases which shall be transferred to Williamsburgh, shall be continued and be binding on the parties for their appearance at the sitting of the said courts of Lexington and Williamsburgh respectively.

Commissioners to take bond and security from the said clerks and sheriffs.

IX. *And be it enacted* by the authority aforesaid, That Theodore Gourdin, James Campbell and John Nessmith, Esquires, be, and they are hereby appointed, commissioners for the purpose of taking bond and security from the clerk and sheriff appointed and elected for the said district of Williamsburgh; and that John James Haig, Alexander Bell, Joseph Culpepper, Hargrove Arthur and Jacob Seibels, be, and they are hereby appointed, commissioners for the purpose of taking bond and security from the clerk and sheriff who may be appointed and elected for the said district of Lexington.

Attorney general to attend the courts at Williamsburgh.

X. *And be it enacted* by the authority aforesaid, That it shall be the duty of the attorney general to attend the said courts of Williamsburgh district respectively, and there prosecute all actions and indictments which may be necessary within the limits of the said district.

XI. *And be it enacted* by the authority aforesaid, That all jurors drawn for the next succeeding courts, (where the time for holding such courts has been altered by this Act,) and all persons bound in recognizance for their appearances at such courts, shall be bound to appear and serve at such time and place as is fixed by this Act for the respective holding of such courts; and that all writs and processes issued from and out of the said courts, and returnable thereto on the day heretofore appointed for the return of the same, shall be returnable to the said courts respectively, fifteen days next before their respective times of sitting as appointed by this Act.

A. D. 1815.

Jurors and persons bound in recognizance, shall be bound to appear at such courts.

XII. Whereas, some doubts exist as to the propriety and legality of making out the jury list at the last sitting of the court of common pleas and general sessions of the peace at Orangeburgh, in and for the district of Orangeburgh; *Be it therefore enacted* by the authority aforesaid, That the jurors drawn from the said lists are hereby declared to all intents and purposes lawful juries, to sit, try and determine all suits and indictments, depending and to be tried in the said courts, for the said district, at the next spring circuit, and that no challenge either to the array, the pannel or poll, shall be admitted against such juries on account of their having been drawn from such lists; any act, matter, clause, usage, or custom, or law, to the contrary thereof, in any wise notwithstanding.

Jurors drawn at Orangeburgh declared lawful.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Sovereignty and Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT to fix the rates of storage of Cotton in Charleston. No. 1851.

(Passed December 19, 1805. *See last volume.*)

AN ACT to repeal an Ordinance of the City Council of Charleston. No. 1852.

(Passed December 19, 1805. *See last volume.*)

AN ACT TO ENABLE JUSTICES OF THE PEACE AND OF THE QUORUM TO No. 1853.

COMPEL THE ATTENDANCE OF WITNESSES BEFORE THEM, IN THE TRIAL OF CAUSES SMALL AND MEAN.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful to and for any justice of the

A. D. 1805.

Justices may
summon wit-
nesses.

Summons to
be obeyed, on
penalty.

peace and quorum of this State, to issue a summons, directed to any person or persons whose testimony may be necessary for the investigation of any cause which shall be depending before him or them; which said summons shall be signed by the justice or justices who shall issue the same.

II. *And be it enacted* by the authority aforesaid, That all constables are hereby authorized and required duly to execute all summonses and other precepts whatsoever, to them or either of them directed, by any justice or justices of this State; and every person who shall, at any time or times hereafter, be duly summoned to attend and give evidence before any of the justices, relative to matters cognizable by justices of this State, and shall refuse and neglect so to do, such person shall be subject to the same penalties, and liable to be proceeded against in the same manner, by process from such justice or justices, signed as aforesaid, as if such person had refused to give evidence when thereunto required lawfully in any district court of this State.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1854.

AN ACT for the incorporation of Georgetown.

(Passed December 19, 1805. See last volume.)

No. 1855. AN ACT TO INCREASE THE COMPENSATION ALLOWED TO SHERIFFS BY LAW, FOR THE CUSTODY AND DIETING OF THEIR PRISONERS.

WHEREAS, by the increased price of provisions throughout the State, the fees now allowed by law to sheriffs for the detention and maintenance of prisoners committed to their custody, have become insufficient :

I. *Be it therefore enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for each prisoner confined and dieted in any gaol of this State, thirty-seven and a half cents per diem be allowed to the sheriff who shall have charge thereof, in lieu of all other claims on the part of said sheriff, for such detention and provision.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A. D. 1805.

AN ACT TO CEDE TO THE UNITED STATES VARIOUS FORTS AND FORTIFICATIONS, AND SITES FOR THE ERECTION OF FORTS. No. 1856.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That there shall be, and hereby is, granted to the United States of America, all the right, title and claim of this State to the following forts, fortifications, and sites for the erection of forts, in manner following: Forts, fortifications, and sites for the erection of forts, granted to the United States.

All the lands reserved for fort Moultrie on Sullivan's island; provided, the same shall not exceed five acres, with all the forts, fortifications and buildings thereon, together with the canal leading from the cove on the back of the fort, nearly up to the same, as delineated on the plan of Charleston harbour by Col. Senf, and is in the secretary of state's office at Columbia.

The high lands and part of the marsh belonging to fort Johnston, as delineated on the said plan of Charleston harbour; provided, the same shall not exceed twenty acres, including the present site of fort Johnston.

The land on which fort Pinckney is built, and three acres around the same.


A portion of the sand bank marked C, on the south easternmost point of Charleston, as delineated on the said plan of Charleston harbour, not exceeding two acres. A quantity of land not exceeding four acres, for a battery or fort, and necessary buildings, on Dr. Blythe's point of land at the mouth of Sampit river.

The small island in Beaufort river, called Mustard island, opposite Paris's island, and a tract of land on St. Helena island, opposite the same, not exceeding seven acres of land, as being a commanding ground suitable for a principal fort.

II. *And be it further enacted* by the authority aforesaid, That the following persons, viz: Col. Thomas Grayson, Captain John Jenkins and William Elliott, Brigadier General Read, the Intendant of Charleston for the time being, Col. Daniel Stevens, Joseph Alston, Brigadier General Conway, and Major Savage Smith, or any two of them, be, and they are hereby appointed, commissioners, and authorized to locate, by proper metes and bounds, at the expense of this State, so far as the charges of surveyors shall be incurred, all or any the above mentioned sites; and who shall return into the office of the Secretary of this State, on or before the first day of January, in the year of our Lord one thousand eight hundred and seven, fair plats of survey, and accurate descriptions of the said lands, forts, fortifications and sites, so ceded, setting forth the limits and bounds of the same. Commissioners appointed to locate the said sites.

III. *And be it further enacted* by the authority aforesaid, That if the United States shall not, within three years from the passing of this Act, and notification thereof by the Governor of this State to the executive of the United States, repair the fortifications now existing thereon, or build such other forts or fortifications as may be deemed most expedient by the executive of the United States on the same, and keep a garrison or garrisons therein: in such case this grant or cession shall be void and of no effect. United States to repair the said fortifications within three years.

IV. *And be it further enacted*, That all process, civil or criminal, issued under the authority of this State or any officer thereof, shall and may be served and executed on any part of lands and sites, forts and fortifications, so ceded by this Act, and on any person or persons there being and implicated in matters of law: Provided always, that the lands, sites, forts and fortifications so ceded, shall forever be exempt from any tax to be paid to Process, civil or criminal, may be served on any part of lands so ceded.

A. D. 1805.  this State : And provided also, the United States shall, before possession be taken of the said sites so to be laid out by the above commissioners, some of which are private property, give and pay due compensation to the owners and proprietors of the same.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1857. AN ACT to open the Navigation of certain Rivers therein mentioned, and for cutting a Canal across North Island.

(Passed December 19, 1805. *See last volume.*)

No. 1858. AN ACT TO EXEMPT THE OFFICERS AND CLERKS OF THE STATE AND OTHER BANKS FROM SERVING AS JURORS.

WHEREAS, it hath been represented to the legislature, that the compelling of the officers and clerks of the State Bank, South Carolina Bank, and National Branch Bank, to attend and serve as jurors, has been found to be productive of considerable interruption and injury to the interest of the said institutions:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the officers and clerks of the said Banks shall be exempted from attending and serving as jurors in any of the courts of this State; any law to the contrary notwithstanding.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1859. AN ACT to incorporate the several Societies therein mentioned; and for other purposes therein mentioned.

(Passed December 19, 1805. *See last volume.*)

A. D. 1805.

AN ACT FOR THE PUNISHMENT OF CERTAIN CRIMES AGAINST THE STATE No. 1860.
OF SOUTH CAROLINA.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, every person or persons who shall or may be, either directly or indirectly, concerned or connected with any slave or slaves in a state of actual insurrection within this State, or who shall, in any manner or to any extent, excite, counsel, advise, induce, aid, comfort or assist any slave or slaves to raise, or attempt to raise, an insurrection within this State, by furnishing them with any written or other passport, with any arms or ammunition, or munition of war, or, knowing of their assembling for any purpose tending to treason or insurrection, shall afford to them shelter or protection, or shall permit his, her or their house or houses to be resorted to by any slave or slaves for any purpose tending to treason or insurrection as aforesaid, shall, on conviction thereof in any court having jurisdiction thereof, by confession in open court, or by the testimony of two witnesses, be adjudged guilty of treason against the State, and suffer death.

Persons connected with slaves in actual insurrection, to be adjudged guilty of treason.

II. *And be it enacted* by the authority aforesaid, That any person or persons who shall hereafter write or publish any inflammatory writing or words, or deliver publicly any inflammatory discourse, tending to alienate the affection or seduce the fidelity of any slave or slaves in this State, shall, on conviction in any court having jurisdiction thereof, by confession in open court, or by the testimony of two witnesses, be adjudged guilty of a high misdemeanor, and suffer such punishment, not extending to life or limb, as shall be adjudged by the judge or judges presiding in the court or courts before whom such trial or trials may be had.

Penalty on publishing any inflammatory writing or words.

III. And in order to enforce the provisions of this Act, *Be it enacted* by the authority aforesaid, That all persons accused of writing, publishing, or speaking the writing, words or discourses, hereby interdicted, shall be indicted there-for in any court having competent jurisdiction; in which indictment the writing, words or discourse published, held or made, shall be plainly and distinctly set forth and charged; and the finding of such indictment by the grand jury shall be held and taken in law that the words so charged are, under the provisions of this Act, of a seditious and treasonable nature, so as to authorize the arraignment, trial and conviction of the person or persons accused: Provided always, nevertheless, that the said person or persons, so accused, shall be entitled to all the benefits and advantages of others accused of treason, so far only as extends to the production of evidence and right of challenge; but not so far as to plead that the offence for which he, she or they may be indicted, is not herein and hereby sufficiently and explicitly set forth.

How persons accused are to be proceeded against.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A. D. 1805.

No. 1861. *AN ACT* TO ENABLE JOHN BARKLEY TO CHANGE HIS NAME TO THAT OF JOHN BANKSTON.

WHEREAS, John Barkley hath petitioned the legislature to change his present name to that of John Bankston :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said John Barkley be, and he is hereby, authorized to change his present name to that of John Bankston ; and that he shall hereafter be known and distinguished in law, and in all transactions in law wherein he may be bound or obliged, or wherein any person or persons may be bound or obliged to him, by no other name but that of John Bankston.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1862. *AN ACT* TO REMOVE CERTAIN DOUBTS RELATIVE TO THE TITLE OF JOHN ROSBOROUGH TO A CERTAIN LOT OF LAND AT CHESTER COURT HOUSE.

WHEREAS, John Rosborough, by his petition preferred to the General Assembly of this State, hath set forth that he is vested in a lot of one fourth of an acre of land at Chester court house, under the title of the sheriff of Chester district, who sold the same as the property of Thomas Anderson, deceased, who emigrated from Ireland, and had never become a citizen, in conformity with the existing laws in such case made and provided ; and whereas, doubts have arisen respecting the validity of his title in consequence thereof :

I. *Be it enacted therefore*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That should it appear that the said Thomas Anderson, at the time of his being seized in the lot aforesaid, was an alien, the same shall in no manner or way affect the validity of the title to the lot aforesaid, but that the same shall be as valid to all intents and purposes as if he, the said Thomas Anderson, had been a natural born citizen ; any law, usage or custom to the contrary thereof in any wise notwithstanding.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A. D. 1805.

AN ACT TO AUTHORIZE THE AGRICULTURAL SOCIETY OF SOUTH CAROLINA **No. 1863.**
TO RAISE A CERTAIN SUM OF MONEY BY MEANS OF A LOTTERY.

WHEREAS, the Agricultural Society of South Carolina, hath presented a memorial to the legislature, setting forth the objects of their institution, and that they have incurred considerable expenses in prosecuting their designs of introducing useful improvements in husbandry and agriculture, and have prayed the aid of the legislature to enable them to raise a sum of money by means of a lottery; and whereas, it appears that the exertions of the said society are of a laudable nature, and are likely to prove conducive to the public good:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Agricultural Society shall be, and they are hereby, authorized and empowered to raise, by means of a lottery or lotteries, to be conducted in any manner which the said society, or a majority of them, may think most advisable, a sum of money not exceeding six thousand dollars, to be applied to the use and benefit of the said Society.

Agricultural
Society auth-
orized to draw
a lottery.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT to authorize the City Council of Charleston to ascertain and **No. 1864.**
define the wards within that City; to appoint an Escheator; and for
other purposes therein mentioned.

(Passed December 19, 1805. *See last volume.*)

AN ACT to repeal an Act of the General Assembly of this State en- **No. 1865.**
titled "An Act for the better regulating the streets and markets of
the Town of Columbia, and to incorporate the said town."

(Passed December 19, 1805. *See last volume.*)

AN ACT to establish certain Roads, Bridges and Ferries; and for **No. 1866.**
other purposes therein mentioned.

(Passed December 19, 1805. *See last volume.*)

A. D. 1805.

No. 1867. *AN ACT* FOR APPOINTING COMMISSIONERS TO ASCERTAIN AND RUN OUT THE DIVIDING LINES BETWEEN ORANGE AND LEWISBURGH COUNTIES, AND ALSO THE LINES BETWEEN ORANGE COUNTY AND LEXINGTON DISTRICT.

Preamble. WHEREAS, many inconveniencies daily arise by reason that the dividing lines between the counties of Orange and Lewisburgh, and Orange and Saxegotha, have never hitherto been properly ascertained and marked out :

Commissioners
appointed.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Thomas, Alexander B. Stark, Benjamin Hart, Doctor Jamison and Jacob Rumph, junior, be, and they are hereby appointed, commissioners; and they, or a majority of them, are hereby vested with full powers and authority to run, mark out and blaze the said lines, in following manner, that is to say: the old dividing line between the parishes of St. Matthew's and Orange shall be continued until it strikes Beaver creek, if the same can be found; but if the said old dividing line cannot be found, then and in that case a line shall be run from the head of Four Hole swamp, running north, forty-five degrees west, until it strikes Beaver creek on its main branch; which line shall be taken and considered as the dividing line between the said parishes of St. Matthew's and Orange; and Beaver creek, from where the said line strikes its main branch, down to its entrance into the Congaree river, shall be taken and considered as the dividing line between St. Matthew's and Saxegotha; and the dividing line between Orange and Lexington shall commence where the line dividing St. Mathew's from Orange parish shall strike the main branch of Beaver creek, and the old dividing line, if it can be found, shall be pursued; but in case the said old dividing line cannot be found, then and in that case the line shall run to the head of the main branch of Beaver creek, and from thence a direct line to the mouth of Cedar Pond branch, where it intersects North Edisto river, thence up North Edisto river until it strikes the line of Edgefield district.

Their powers
and duties.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners shall have full power and authority to employ a surveyor, axe men, and such persons as may be necessary to assist them in ascertaining and running out the said dividing lines, upon the most reasonable terms they can, to be paid by the State.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1868. *AN ACT* to incorporate the South Carolina Insurance Company.
(Passed December 19, 1805. See last volume.)

A. D. 1805.



AN ACT TO AMEND AN ACT ENTITLED "*An Act to appoint Escheators and to regulate Escheats.*" No. 1869.

WHEREAS, in and by the Act entitled "*An Act to appoint escheators and to regulate escheats,*" it is enacted, that escheators shall be appointed by the joint ballot of the Senate and House of Representatives, and commissioned by the Governor or Commander-in-chief, who shall execute the duties of their office in person, and not by deputy, and give bond, and take the oath in the said Act mentioned and recited. And whereas, the Legislature of the State have heretofore given and bestowed on divers corporations in this State, instituted and established for charitable and other laudable purposes, portions of such property as hath or may hereafter escheat, and to which the State hath or may become entitled unto as escheats, with liberty to said corporations, respectively, to act as escheators; and it being impossible for corporations to act in person, or to take the oath prescribed as aforesaid,

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in all cases wherein the State hath heretofore or shall hereafter relinquish or cede to any body corporate or politic, any part or portion of property which hath or may hereafter revert to the State as escheated property, that the said corporations respectively shall have, and are hereby declared to have, full power and authority in relation to the property so ceded, to nominate and appoint escheators, who, on giving bond in the sum required in and by the aforesaid Act, and taking the oath therein prescribed, shall be commissioned as escheators aforesaid, (with limited power and authority as aforesaid) by the Governor and commander in-chief for the time being; and the escheators to be appointed and commissioned shall execute their office in proper person, and not by deputy, and be vested with all the powers and authority with which escheators in and by the Act aforesaid are declared to be invested with; any thing in the said Act to the contrary thereof in any wise notwithstanding.

Powers of certain corporations relative to escheats.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT to enable Budcade Matthews and Mary Ekelsale to bring into this State certain Negro Slaves from the Bahama Islands. No. 1870.

(Passed December 19, 1805. See last volume.)

A. D. 1805.

No. 1871. AN ACT to enforce the due observance of the Military law, so far as the same relates to Captains Jacob Drayton and William Rouse.

(Passed December 19, 1805. *See last volume.*)

No. 1872. AN ACT TO AUTHORIZE THE TREASURER TO PAY TO DAVID R. WILLIAMS THE AMOUNT OF A GENERAL INDENT AND A SURPLUS CERTIFICATE.

WHEREAS, David R. Williams hath petitioned the legislature to make some provision for the payment of a general indent of the State of South Carolina, number one hundred and ninety-nine, book E, for forty-nine pounds, and a surplus certificate, signed by John Neuville, Esquire, dated the ninth day of July, one thousand seven hundred and ninety-two, for ninety-two dollars and sixteen cents, which were lost.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Felix Warley, Esquire, treasurer of the lower division, be, and he is hereby, authorized and required to pay the amount or market value of the said certificate and indent, upon the said David R. Williams making oath that they were his property, and are lost. Provided nevertheless, that the said David R. Williams give bond and security to the treasurer of the State aforesaid, in double the amount thereof, to indemnify the State against the same.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1873. AN ACT TO PREVENT THE OBSTRUCTIONS TO THE PASSAGE OF FISH UP THE ENOREE AND CERTAIN OTHER RIVERS.

Obstructions to
be removed.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every person who now hath, or may hereafter erect, any dam, hedge or other obstruction across Enoree river, or any part thereof, so as to prevent the passage of fish up said river, shall, by the first of October next, provide a good and sufficient slope or sluice, at least twenty feet wide, for the passage of fish up the said river, the said slope or sluice to be kept free from any trap, weir or other obstruction which might impede or prevent the passage of fish up or through such slope or sluice

aforesaid; and upon neglect thereof, shall forfeit and pay to any person who shall inform and sue for the same, before any justice of the peace, the sum of twelve dollars for every twelve hours during which such obstruction shall continue after the time aforesaid, until the first day of March next; and such slopes or sluices shall, in like manner, be kept open from the last day of January until the first day of May, inclusive, in every year thereafter, under the penalties aforesaid.

A. D. 1805.

Penalty for not removing them.

II. *And be it further enacted*, That the said Enoree river shall be kept open as aforesaid, from Reuben Gun's mill down to the confluence of the aforesaid river and Broad river; and also that Broad river be kept open in the same manner, and under the same penalties as aforesaid, to the distance of four hundred yards below the confluence of the said Broad and Enoree rivers.

How far the Enoree and Broad rivers are to be kept open.

III. *And be it further enacted*, That Benjamin Herndon, John M'Morress, William Calmes, John Pucket, John Farrar, George Mosely and Ebenezer Moss, be, and they are hereby appointed, commissioners to view and superintend the slopes or sluices aforesaid; and they, or any three of them, are hereby authorized and empowered to adjudge the sufficiency or insufficiency of the slopes or sluices aforesaid; and the justice of the peace before whom any such suit may be brought, is hereby authorized to summon any three of the aforesaid commissioners who may be most convenient, and who do not otherwise attend, to view and report to him the sufficiency or insufficiency of the slopes or sluices complained of, who shall give his judgment accordingly.

Commissioners appointed to superintend the slopes or sluices in said rivers.

IV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall put traps or any kind of obstruction in the Catawba or Broad rivers, so as not to leave a free passage of fifty feet in the principal channel of the rivers aforesaid, then and in that case every person so offending shall forfeit and pay to the informer, for every twelve hours twelve dollars, to be recovered before any justice of the peace.

Broad and Catawba rivers to be kept open.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE CERTAIN COMMISSIONERS TO LOAN OUT THE PRINCIPAL SUMS ARISING FROM THE SALE OF THE LOTS IN CONWAY-BOROUGH; AND DIRECTING THAT UNTIL THE GAOL OF HORRY DISTRICT BE COMPLETED, PERSONS ACCUSED OF THE COMMISSION OF CRIMES IN THE SAID DISTRICT, SHALL BE COMMITTED TO THE GAOL OF GEORGETOWN. No. 1874.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the clause of an Act entitled "An Act to establish a new district therein mentioned," passed on the nineteenth day of December, one thousand eight hundred and one, as relates to the appro-

A. D. 1805.

Proceeds of
lots in Conway-
borough, how
to be disposed
of.

priation of the money arising from the sale of certain lots in Conwayborough, be, and the same are hereby, repealed; and that Henry Durant, Benjamin Gauze, Anthony Pawley and Edward Connor, be, and they are hereby appointed, commissioners to supply the vacancies occasioned by the death of Samuel Foxworth, and the resignation of William Verreen, William Williams and John Graham, and in addition to the commissioners appointed under the aforesaid Act, and passed in the year of our Lord one thousand eight hundred and one; and they, or the majority of them, be, and they are hereby, authorized and empowered to continue the sale of the said lots, and to receive the money arising from such sale, and to put to and keep at interest the principal sums arising from such sale, and to appropriate the interest arising therefrom to the educating of poor orphan children, and the children of poor parents who are not able to educate them.

11. *And be it enacted* by the authority aforesaid, That all persons whom it may be necessary to commit to gaol for the commission of any crime within the limits of Horry district, be committed to the gaol of Georgetown district, as heretofore, until the gaol of Horry district be completed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1875. *AN ACT* TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIVE; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof.

Rate of taxa-
tion on lands.

II. *And be it enacted* by the authority aforesaid, That twenty-five cents per centum ad valorem be paid in specie or paper medium on all lands granted within this State, under the several regulations hereinafter expressed. Class No. 1 shall contain all tide swamp of the first quality, not generally affected by the salts or freshes, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by the salts or freshes, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshes, which shall be rated at eight and a half dollars per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight and a half dollars per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; pine barren lands, adjoining or contiguous thereto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapa-

A. D. 1805.

ble of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality to be rated at thirteen dollars per acre; the second quality at eight and a half dollars per acre; the third quality at four dollars per acre; except such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamps and low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands on the Sea islands, (Stann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford, and the new boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one and a half dollars per acre; the second quality, at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality at sixty cents per acre; and the third quality, at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

III. *And be it enacted* by the authority aforesaid, That fifty cents per head shall be levied upon all slaves; and the sum of two dollars per head on all free negroes, mulattoes, and mestizoes, between the ages of fifteen and fifty; and twenty-five cents ad valorem on every hundred dollars of the value of all lands, lots and buildings within any city, village, or borough; and fifty cents per centum on all stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium or specie.

IV. *And be it enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property or the estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, or the

Rate of taxing slaves, &c.

Slaves employed on Indian lands.

A. D. 1805.

Exceptions.

Fellowship Society, or of the estate of the late Doctor De la Howe, devised for charitable purposes, and that part of the estate of the late Thomas Wadsworth which was devised for the establishment of a school, or the Charleston, or the High Hills of Santee, or the Camden Orphan Societies, or the Columbia Academy, or the lands and funds owned by the Free School at Dorchester, or the public lands held by the corporation of Charleston, or of the lands and funds of any society applicable to the education or maintenance of public schools.

Absentees double taxed.

V. *And be it enacted by the authority aforesaid,* That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any young man sent abroad for his education, until he attains the age of twenty-three years; or the property of any person now absent from the United States, unless such person has been absent for one year.

What shall be received for taxes.

VI. *And be it enacted by the authority aforesaid,* That the tax collectors throughout this State shall receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance in gold or silver at the bank of the United States, the branch bank thereof in Charleston, the bank of South Carolina, the State Bank, or certain certificates for the pay of the members of the Legislature, or the Solicitors, for their attendance on the Legislature.

Returns of all property to be made on oath.

VII. *And be it enacted by the authority aforesaid,* That each and every enquirer, assessor and collector shall, on their enquiry for their return of taxes of this State for the year one thousand eight hundred and five, administer the following oath to all such persons as may be liable to pay any of said taxes, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that the account which I now give in is a just and true account of the quantity and quality of the lands, and the number of slaves, on the first day of October, one thousand eight hundred and five, in any manner whatsoever, which I was possessed of, interested in, or entitled to, either in my own right or in the right of any other person whomsoever, either as guardian, executor, agent, attorney, trustee, or in any manner whatsoever, according to the best of my knowledge or belief; and that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked me touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever." And upon the principal sum of every sum or sums of interest

Tax on money at interest.

money actually received, over and above what each persons pays on account of interest, except where such interest money is received by any widow, orphan or unmarried woman, having no other means of livelihood, and where such interest money does not amount to more than one thousand dollars, the said assessor, enquirer or collector, or assessors, enquirers or collectors, to whom the same shall be returned, shall assess the sum of twelve and one half cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportionable sum on all other sums of money drawing less or more than seven per cent; to be recovered in like manner, in case of default, as the collectors are authorized by law heretofore to do on their returns of lands or slaves.

Property not returned.

VIII. *And be it enacted by the authority aforesaid,* That in case any person or persons shall neglect to make a return of his, her or their monies

producing interest as aforesaid, they shall be liable to and suffer the same forfeitures and pay the same penalties as are authorized by law in case of their refusing or neglecting to make a return of his, her, or their lands or slaves.

A. D. 1805.

IX. *And be it enacted* by the authority aforesaid, That the instalments on the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid as directed by an Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and seven. Provided, that no person shall be entitled to the benefit of this clause who shall not give additional security, if required, to the treasurer at Charleston, in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which may be made in paying the interest to grow due on the first day of March next.

Time of payment of the paper medium.

X. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act, and of the Act supplementary to an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," to each of the collectors appointed by law throughout this State, who have not yet been furnished with such supplementary Act, within one month after passing this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

Copies of this Act to be furnished.

XI. *And be it enacted* by the authority aforesaid, That the Comptroller be, and he is hereby, required to postpone making sale of the lands directed to be sold by the twenty-third clause of an Act entitled "An Act supplementary to an Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," until the first day of January, one thousand eight hundred and seven.

Sale of lands postponed.

XII. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, all persons liable to pay any taxes hereafter to be imposed by any law of this State, shall, on or before the first day of February in each and every year, give in a just and true return of all slaves, and of the quantity and quality of lands, and monies at interest, as may be directed and required by the said laws, which they may hold or be entitled unto in his, her or their own right, or the right of any person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever; and shall, on or before the first of May ensuing, pay their taxes to the collector of that collection district where the party making such return, either by himself, his or her family, may reside the greater part of the year. And that the said assessors or collectors shall annually pay the same, and settle their accounts with the treasurer, on the first day of June next ensuing, so far as respects the tax collectors of the lower division of the treasury.

Times for making returns and paying taxes.

XIII. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums borrowed by them, and sales have been made of the lands mortgaged to secure the said loan, and the treasurers have bought in the said lands for defect of bidders, and the same remain as the property of the State, unproductive; and in other cases the property so sold has been purchased in by the mortgagors and others, who have not complied with the terms or conditions of the said sales; *Be it therefore enacted* by the authority aforesaid, That the treasurers aforesaid shall be,

Mortgaged lands bought in on account of the State to be sold.

A. D. 1805.

and they are hereby, authorized and directed to cause all the lands bought in as aforesaid on account of the State, and all the lands purchased in by the mortgagers or other persons whomsoever who have not complied with the conditions of the former sales of the said property, to be put up to sale, in the districts in which they severally lie, by the sheriffs of the said districts, on a public sale day, after giving three months notice thereof, and shall sell the same to the highest bidder, who shall pay one fourth of the purchase money in cash, and the remaining three fourths in one and two years; for the performance of which he shall give his bond and a mortgage of the premises, and also personal security, to be approved of by the sheriff and three commissioners, residing in such districts, to be nominated by the treasurer. Provided, no sale of the mortgaged lands shall take place when any person interested in the same shall, previously to the day of sale, tender one third part of the sum due, together with expenses incurred.

Proviso.

Terms of such sales.

XIV. *And be it enacted* by the authority aforesaid, That on all sales made in pursuance of the next preceding clause, and under the authority thereof, the purchaser shall, immediately after the said property shall be knocked off to him, pay into the hands of the sheriff making the said sale a sum which shall at least be equal to ten per cent. upon the amount of his purchase, towards the payment thereof; and if he should fail or neglect to make such payment, the sheriff shall immediately set up the same property for public sale, upon the spot; and shall not, upon such re-sale, or any other sale of the same property made by virtue of this Act, receive the bid of the first purchaser or his agent. And that the sheriff shall, in all his advertisements of the property sold by virtue of this Act, on account of the paper medium loan, give notice that he will require the payment of the said ten per cent.; to the end that no persons inclined to purchase at the said sales may be ignorant thereof.

Forfeiture on not complying with the terms of such sales.

XV. *And be it enacted* by the authority aforesaid, That if any purchaser, after paying the percentage aforesaid, shall fail or neglect to comply with the terms of the sale, all the money so paid shall be forfeited to the State; and shall be applied first to pay the costs and charges accrued or due upon the said sale; and the surplus, if any, shall be paid into the treasury of this State, in aid of the revenue thereof.

Terms of sale when lands are re-sold.

XVI. *And be it enacted* by the authority aforesaid, That if any person shall at any re-sale made by the sheriff on account of the first or any former purchaser having failed or neglected to pay the percentage aforesaid, or to comply with the terms and conditions of the sale, such person shall himself be bound by his purchase, and shall comply with this Act, and the terms and conditions of such re-sale, and shall not be allowed to say, set up, or pretend, that he bought the same as agent for the first or any former purchaser. Provided always, that it shall be publicly proclaimed by the crier at such sale, that the same was to be on account and risque of the first or any former purchaser; and that the conditions and terms of the sale shall, in like manner, be proclaimed by him immediately before the property is set up.

Defaulters liable for any deficiency by such sales.

XVII. *And be it enacted* by the authority aforesaid, That in case of any re-sale made under the authority of the preceding clauses of this Act, on account or by reason of the non-payment of the ten per cent. hereby required to be paid, or on account of the non-compliance with the conditions and terms herein before prescribed, the person or persons for whose default the said re-sale shall be made, shall be, and he, she and they is and are hereby declared, liable for any deficiency which may happen between the first and any subsequent sales of the said property; and the treasurers are hereby authorized and directed to commence suits for the recovery of any such deficiency.

A.D. 1805.

Poor tax.

XVIII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the tax collectors of this State to make, on the first Monday in September next, to the commissioners of the poor, in the parish or district in which any poor tax shall be by the said tax collectors respectively collected, a return of such poor tax, in like manner as they make their returns of the public tax to the treasurers of this State.

XIX. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed annually to call on the treasurer of the City Council of Charleston to render an account on oath to him of the application of such monies as are appropriated for the support of the transient poor, and for other purposes; and that the account so rendered be laid before the Legislature.

Transient poor
fund of Charleston.

XX. *And be it enacted* by the authority aforesaid, That the several tax collectors in each fiscal division of the State shall exhibit, in some column of their return, the number of acres of land lying within their respective divisions, and the number of acres lying elsewhere, and for which taxes shall be paid them; in like manner they shall exhibit in other columns the number of negroes within their divisions, and of those elsewhere, and where, on which taxes shall be paid them; and in other separate columns exhibit the amount of taxes in their respective divisions, on every different article taxed by law; and the treasurers of each division, and the comptroller, shall preserve these columns in their aggregate of taxes to be laid before the next Assembly.

Tax collectors
to return property
lying in
other divisions,
for which taxes
are paid them.

XXI. *And be it further enacted* by the authority aforesaid, That the inhabitants in the fork of Edisto, shall henceforth pay their taxes to the tax-collector of Orange Parish, whose power and authority shall hereafter extend throughout the fork, up to the lower line of Edgefield district.

Inhabitants in
the fork of
Edisto to pay
tax to the collector of
Orange parish.

XXII. *And be it enacted* by the authority aforesaid, That the tax collectors for the parishes of St. Philip's and St. Michael's, Charleston, shall, on the first Monday in the months of April, May and June, in each and every year, make the following return to the treasurer of the lower division, to wit: "I, A. B. do solemnly swear (or affirm) that the sum of ——— dollars, by me now paid, is all the money which I have received on account of the general tax, since my last return." And on the first Monday in July, in each and every year, the said tax collectors for St. Philip's and St. Michael's, Charleston, and each and every collector in the upper division of the treasury of this State, and on the first Monday in June, in each and every year, each and every collector in the lower division of the treasury of this State, shall completely and finally close their several and respective returns, by paying over the full balance which may have been received by them, and producing to the treasurer of the said upper and lower divisions of the treasury of this State, respectively, the sheriff's receipts for all executions lodged by them against defaulters; and if the sheriff's receipt, so produced, shall not satisfactorily account for the full balance due on the said return, then, and in such case, the treasurers in each division respectively, shall be, and they are hereby, directed to enforce the means pointed out by the Act entitled "An Act declaring the duties and powers of the enquirers and assessors of taxes, and other persons concerned therein," passed in the year of our Lord one thousand seven hundred and eighty-eight. And the said several tax collectors, upon closing their said returns, shall respectively take the following oath or affirmation, to wit: "I, A. B., do solemnly swear (or affirm) that the return I now make, is a just and true return of all the taxable property made for the collection district of ———, and that the sum of ——— dollars, by me now paid, is the whole of the monies which I have received for the general taxes of the

Return to be
made by tax
collectors.

A. D. 1805.

said district, since my last return;" which said oath or affirmation the treasurer shall impose, and cause to be endorsed on the said return.

Persons selling
taxable property
required to
make a return
thereof.

XXIII. *And be it enacted* by the authority aforesaid, That every person liable to pay the tax hereby imposed, and who is required to make a return by the preceding clause of this Act, shall, in his or her said return, particularly account for any property by him or her sold since the return of the preceding year, by stating whether the same was sold by him or her before or subsequent to the first of October, then next preceding, and to whom, that the comptroller-general, by an examination thereof, may be enabled to ascertain whether the tax due thereon has been paid; and in case any person shall fail or neglect to do so, he, she or they shall be liable for a double tax thereon, in the same manner as he, she or they would have been, had he, she or they not disposed themselves thereof.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and of the Independence of the United States of America the thirtieth.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1876. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIVE.

Appropriations I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of public officers, and other expenses and purposes of government.

For the salary of the Governor, two thousand five hundred and seventy-two dollars.

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of the six Judges of the courts of common law, each two thousand five hundred and seventy-two dollars—in the whole, fifteen thousand four hundred and thirty-two dollars.

For the salaries of the three Judges of the Court of Equity, each two thousand one hundred and forty-four dollars—in the whole, six thousand four hundred and thirty-two dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full recompense for the discharge of all the public duties incident to his office, as Attorney General, one thousand dollars.

For the salaries of four Circuit Solicitors, each, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, five hundred dollars—in the whole, two thousand dollars.

For the salary of the Comptroller-general, two thousand five hundred dollars.

For the salaries of the Comptroller-general's clerks, and the stationary requisite for his office, one thousand six hundred dollars.

For the salary of the Treasurer of Charleston, as Treasurer and for transacting the business of the Loan Office, and Clerks, two thousand six hundred and fifty-eight dollars.

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For the salary of the Treasurer in Columbia, including clerks, one thousand six hundred and ninety dollars.

For the salary of the Clerk of the Senate, and the salary of the Clerk of the House of Representatives, each twelve hundred and thirty dollars; in the whole, two thousand four hundred and sixty dollars.

As a compensation for the Clerk of the Court at Columbia, one hundred and forty dollars.

As a compensation for the Clerk of the Court at Charleston, one hundred and forty dollars.

As a compensation for the Sheriff of Richland district, for attending the Constitutional Court at Columbia, fifty dollars.

As a compensation for the Sheriff of Charleston district, for attending the Constitutional Court at Charleston, fifty dollars.

As a compensation for two Messengers to the Legislature, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars.

For the keeper of the State House at Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, one thousand dollars.

For the salaries of nine Brigade Inspectors, each two hundred and sixteen dollars—in the whole, one thousand nine hundred and forty-four dollars.

As compensation for the Arsenal keeper and powder receiver, in the city of Charleston, two hundred and sixteen dollars.

As compensation for the Arsenal keepers and powder receivers of Abbeville, Camden, Georgetown and Beaufort, each fifty dollars—in the whole, two hundred dollars.

For the salary of the Port Physician of Charleston, six hundred dollars.

For the contracts of the State Printer, a sum not exceeding one thousand one hundred and fifty-eight dollars.

As compensation for the Pilot for the bar and harbour of Georgetown, three hundred and twenty-two dollars.

For Annuities, six thousand and five hundred dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary of the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

For the expenses for carrying into effect the Quarantine Law, one thousand dollars.

As a contingent fund subject to the Governor's draft, he submitting an annual account of the expenditure thereof, six thousand dollars.

For the expenses of the Members of the Legislature at the present session, and pay of the Solicitors for their attendance, thirteen thousand and five hundred dollars—if so much be necessary.

As compensation for two Doorkeepers to the Legislature, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars. And as compensation for two Messengers, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

For the Rev. Mr. Reid, for performing divine service during the session, one hundred dollars.

For aid in supporting the transient poor at Georgetown, the sum of two hundred and fifty dollars, to be paid to the commissioners of the poor for the parish of Prince George, Winyaw, and to be laid out and expended

A.D. 1805.

by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller, and by him submitted to the legislature.

For the discharge of the contingent expenses of the upper division, a sum not exceeding five thousand three hundred and seventy-two dollars and sixty-three cents.

For the discharge of the contingent expenses of the lower division, a sum not exceeding three thousand four hundred and fifteen dollars and thirty-eight cents.

For the City Guard, payable to the City Council of Charleston, four thousand dollars.

For building a wall round the gaol in Charleston, and repairing the gaol, a sum not exceeding nine thousand dollars.

For building a gaol and repairing the court house in Barnwell district, five thousand dollars.

To John Kirkpatrick, for a certificate issued to George Ridley, for fifty-six pounds, and indorsed by the treasurer of the upper division, as registered, but which was neglected; to be paid with interest thereon, agreeably to the terms of the register.

To the commissioners of the public buildings in Newberry district, for the payment of Thomas Haskett and George Schoppart's account, two hundred dollars.

For the opening of Saluda river, ten thousand dollars.

For the opening of Broad river, four thousand dollars.

For the opening of Savannah river, ten thousand dollars.

For the opening of Big Pedee river, from Britton's ferry to the place where the North Carolina line crosses the said river, four thousand dollars.

For the opening of the Wateree river, between Camden and its confluence with the Congaree river, two thousand dollars.

For the opening a cut through North Island, twenty thousand dollars.

For the commissioners of the tobacco inspection in Charleston, to discharge the arrears due by that institution, three thousand dollars.

Alexander Dickey, for an indent, amounting to four pounds fifteen shillings and eight pence, with interest.

Gabriel Fridig, for a negro executed, one hundred and twenty-two dollars, forty-four cents.

Nathaniel Malone, for a negro executed, one hundred and twenty-two dollars and forty-four cents.

John Bynum, late sheriff of Orangeburgh district, three hundred and forty-one dollars, fifty-two cents.

For James McDowell's demand, as per resolution, three hundred and sixty-one dollars, eighty cents.

Margaret Martin, for pension, twenty-two dollars.

Celey Taylor, for pension, twenty-two dollars.

Samuel Beekman, for amount of dower, with cost, recovered by Mrs. Cape, on a house and lot sold to him free from incumbrances by the commissioners of confiscated estates, with interest from the seventh of December, one thousand eight hundred and four, three hundred and ninety-four dollars, forty-five cents.

Charles J. Colcock, for balance of his account as solicitor, one thousand six hundred and forty dollars, fifty-four dollars.

Daniel O'Hara, when he shall produce proper documents proving himself to be the acting and proper attorney of the trustee of Mrs. Ann Buyck, and shall have given bond and security to the treasurers to indemnify the

State, and keep it safe from the payment of a bond given by Alexander Gillon, for fifteen thousand guilders; and also from the payment of an indent issued to Peter Buyck, C, No. 705, for three hundred and thirty-five pounds, five shillings and seven pence sterling; five thousand three hundred and eight dollars.

John Beaty, for riding express from Horry district to Charleston, twenty four dollars.

II. *And be it further enacted* by the authority aforesaid, That the pay hereinafter to be provided for the support and maintenance of the magazine guard, shall be restricted to that of an officer, sergeant and six men; ^{guard.} and that the sum of two thousand two hundred dollars be appropriated for the payment of the said guard, under the direction of the comptroller general.

III. *And be it further enacted* by the authority aforesaid, That the treasurer of the lower division of the treasury, under the direction of the comptroller ^{Paper medium to be burnt.} general, and in his presence and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, and any three of the Judges of the Courts of Law or Equity, or in the presence of a majority of the persons above named, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State, now in the treasury, or that may be received previously to the next sitting of the Legislature, provided the same shall not exceed the sum of seven thousand two hundred and ninety-eight dollars and fifty-seven cents, to be burned; and to report to the Legislature the amount of the medium which may be burned.

IV. *And be it enacted* by the authority aforesaid, That the balance of the interest which hereafter shall remain to this State, on the debt due by the United States, after paying the interest due on the funded debt of this State, and the amount of the principal which may be paid on the principal of the debt due to this State by the United States, shall be, and the same is hereby, appropriated to the purchase or redemption of the funded debt of this State, by the treasurer of the lower division, under the direction of the comptroller general and the standing committee of the legislature.

V. *And be it further enacted* by the authority aforesaid, That the treasurer on receiving any monies from a tax collector, or any other person of this State, shall give him or her two receipts for the same; and in case any treasurer shall neglect to furnish such person with two receipts as aforesaid, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, to be recovered in any court having jurisdiction thereof, by the comptroller general.

VI. *And be it enacted* by the authority aforesaid, That the following persons be, and they are hereby appointed, a standing committee to carry into execution the provisions of this Act, referred to them, viz: John Ward, John Blake, John Drayton, John Dawson, Jr., Henry Deas, and William Lee. ^{Standing committee.}

For the payment of John Colhoun, forty-two dollars and fifty-five cents.

For the payment of the claim of Daniel O'Hara, attorney for the trustee of Mrs. Buyck, five thousand three hundred and eight dollars.

For a gown for the President of the Senate and Clerk thereof, two hundred and seventy-seven dollars and twenty-one cents.

For building a steward's house, appertaining to the State College in Columbia, a sum not exceeding six thousand dollars.

For finishing the court house in Columbia, a sum not exceeding five hundred dollars.

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For payment of Thomas Lee's account, formerly solicitor of the southern circuit, eight hundred and eighteen dollars and fifty-six cents.

For re-printing the laws from the year seventeen hundred and ninety-one, to the year eighteen hundred and four, both inclusive, and for making an index to the said laws, three thousand seven hundred dollars.

For the repairs of the court house and gaol of Kershaw district, a sum not exceeding five hundred dollars.

For compensation to William Rice, sheriff of Union district, for his trouble in selling the public buildings in Union district, forty-one dollars.

For Craddock Burnell, for a negro executed for house breaking, one hundred and twenty-two dollars and forty-seven cents.

For the repairing the gaol of Newberry district, three hundred dollars.

For the purpose of indemnifying John Rusk, for losses sustained in building the public gaol of Pendleton district, the sum of five hundred dollars.

For paying William Copeland the interest on a certain claim for public services rendered during the late American war, the sum of three hundred and thirty-eight dollars.

For paying William M'Clure for services rendered during the late American war, two hundred and eighty-nine dollars and fifty-eight cents, and three and one half per cent. thereon from the twenty-sixth day of March, one thousand seven hundred and eighty-four; the sum of five hundred and nine dollars and thirty-eight cents.

For indemnifying Daniel Wilbanks, for losses sustained in building Greenville court house and gaol, the sum of three hundred dollars.

For indemnifying Mary Kincaid and others, representatives of James Kincaid, deceased, for lands lost by a suit at law, and costs of the law suit; which lands were purchased by the said James Kincaid in his life time at sheriff's sale, under a mortgage for the loan of paper medium, the sum of two hundred and seventy-eight dollars and twenty-two cents.

VII. *And be it further enacted* by the authority aforesaid, That a sum not exceeding fifteen hundred dollars be appropriated for the payment of the expenses attending the adjustment of the claims respecting the boundaries between this State and the State of North Carolina; and that the sum of six dollars per day be allowed therefrom each of the commissioners appointed on the part of this State, for the time for which they may have been, or may hereafter be, employed in the execution of the duties of their appointment.

Appropriation
for the adjust-
ment of bound-
aries between
this State and
N. Carolina.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and five, and in the thirtieth year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1877. *AN ACT* TO SUSPEND FOREVER THE SALE OF CERTAIN LANDS THEREIN MENTIONED.

Preamble.

WHEREAS, it hath been represented, by sundry petitions, that great hardship and injury would result to a number of the inhabitants of this State, by the sale of certain lands, directed to be sold by an Act entitled

"An Act supplementary to an Act entitled an Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein:"

A. D. 1806.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sale of all the lands contained within the bounds of the several grants made to Thomas Aikins, lying in the district of Orangeburgh; and the sale of all the land contained within the bounds of the grant made to John Milling and Henry Hunter, lying within the district of Fairfield, (which said grants have been withheld for default in the payment of the purchase money by the grantees,) be, and are hereby, for ever suspended; any thing in the said Act entitled "An Act supplementary to an Act entitled an Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other person concerned therein," to the contrary thereof in any wise notwithstanding. Sale of certain lands suspended.

II. *And be it further enacted* by the authority aforesaid, That the sheriff of Orangeburg district, and the sheriff of Fairfield district, be, and they are hereby, ordered to return, forthwith, the several grants for lands in the names of the said Aikins, Milling and Hunter, now in their possession respectively, into the secretary's office of this state. Grants to be returned.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and six, and in the thirty-first year of the Independence of the United States of America.

WM. SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO ALTER AND AMEND THE SEVERAL ACTS HERETOFORE PASSED REGULATING THE ADMISSION OF ATTORNIES, COUNSELLORS AND SOLICITORS TO PRACTISE IN THE COURTS OF LAW AND EQUITY IN THIS STATE. No. 1878.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in future every person, being a citizen of the United States, and residing in this State, who shall have attained the age of twenty-one years, and shall have been admitted to plead and practise as an attorney or solicitor in the superior courts of law and equity, in any of the United States, whose period of regular study previous to his admission, and that of his regular and actual practice afterwards, shall, together, form the term of three years, if he shall have graduated in any regular college or university of the United States, or in any regular foreign college or university, and if he shall not have so graduated, then if they shall, together, form the term of four years, upon undergoing an examination to the satisfaction of the judges, in the manner provided in and by an Act of the General Assembly aforesaid entitled "An Act for regulating the admission of attorneys and solicitors to practise in the courts of law and equity in this State," passed the 19th day of December, 1796, shall be, and he is hereby declared fit and competent to be, admitted to plead and prac-

How attorneys from other states are to be admitted in future.

A. D. 1806.

Who shall be
admitted to the
bar in this
state.

tise in all the courts of law and equity of this State; and shall, upon application, be admitted to the bar, and be enrolled in the usual form.

II. *And be it further enacted* by the authority aforesaid, That in future every person, being a citizen of the United States, and residing in this State, who shall have attained the age of twenty-one years, and who shall have diligently read law in the office and under the directions of any regular practising attorney, or in the office and under the directions of any judge of the superior courts of law or equity in this State, or any one of the United States, or partly in this State and partly in any other state, for the period of three years, if he shall have graduated in any regular college or university in this State, or of the United States, or in any regular foreign university, and if he shall not have so graduated,¹ then for the period of four years, upon undergoing an examination to the satisfaction of the judges, in the manner provided by the Act of the General Assembly aforesaid entitled "An Act for regulating the admission of attornies, counsellors and solicitors, to practise in the courts of law and equity in this State," shall be, and he is hereby declared fit and competent to be, admitted to plead and practise as an attorney, counsellor or solicitor, in all the courts of law and equity in this State; and shall, upon application, be admitted to the bar, and be enrolled in the usual form. Provided nevertheless, that no person shall be admitted as aforesaid unless he shall have served a regular and diligent clerkship in the office of a practising attorney in this State, for and during the period of one year immediately preceding his application to be admitted as aforesaid: And provided also, that nothing herein contained shall repeal, or be construed to repeal, the last section of the Act of Assembly aforesaid, entitled "An Act for regulating the admission of attornies, counsellors and solicitors, to practise in the courts of law and equity in this State."

Former Acts,
repugnant to
this Act, re-
pealed.

III. *And be it further enacted* by the authority aforesaid, That all Acts, and parts of Acts, of the General Assembly, heretofore passed, which are repugnant to this Act, shall be, and they are hereby, repealed.

Enoch Hanford
admitted to the
bar.

IV. And whereas, it appears that Enoch Hanford, Esq. has complied with the terms of this Act in every respect, excepting that the clerkship which he has served in this State was not immediately preceding the present time; but that after having served such clerkship, being unable to obtain admission to plead and practise as an attorney and solicitor in the courts of law and equity of this State, under the then existing laws of the State, he became a professor in the college of South Carolina, and has so continued for the two years last past: And whereas, it would be a hardship to require him to serve an additional clerkship of one year before his admission as aforesaid; *Be it therefore enacted*, That the said Enoch Hanford shall be entitled to the benefits of this Act, upon his passing the examination prescribed by law.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and six, and in the thirty-first year of the Independence of the United States of America.

WM. SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives*

A. D. 1806.

AN ACT TO LEGALIZE THE TITLES AND GRANTS OF CERTAIN ALIENS, No. 1879.
WHO HAVE SINCE BECOME CITIZENS OR DENIZENS.

WHEREAS, John George, James Todd, Peter Keys, John M'Fall, William Richards, and James Kennedy, have, by their petitions, represented to the Legislature of this State, that they were aliens born, and that since they have come into the limits of this State they have obtained grants of several tracts of land, or become purchasers thereof from citizens or denizens of this State, or aliens, without having become themselves citizens of the United States, or denizens of this State, by which the titles to their lands are illegal and void, although they have since become citizens of the United States, or denizens of this State :

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, That the said grants and titles to lands so obtained by the above mentioned petitioners, be deemed and taken to be legal and valid in law, and to vest such estate in said petitioners as they would have acquired under the tenor and effect of said grants and said deeds, had they been citizens of the United States at the time of obtaining such grant or grants, or at the time such deed or deeds of conveyance were executed to them : Provided nevertheless, That this Act shall not be construed to give any of the rights of citizens or denizens to the above mentioned petitioners, before the respective times of their admission as such, by taking the oath of allegiance to the United States, or the oath of allegiance to this State as citizens thereof.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand and eight hundred and six, and in the thirty-first year of the Independence of the United States of America.

WM. SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO ENABLE THE TOWN COUNCIL OF GEORGETOWN TO COMPEL No. 1880.
THE ATTENDANCE OF WITNESSES BEFORE THEM; AND AUTHORIZING THE
SAID TOWN COUNCIL TO CONVEY, FOR THE USE OF THE GAOL IN THE SAID
TOWN, A PART OF THE STREET ON WHICH THE SAID GAOL IS BOUNDED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the town council of Georgetown to issue a summons, directed to any person or persons, being within the limits of Georgetown, whose testimony may be necessary to carry into effect any of the ordinances of the said town council ; which said summons shall be signed by the intendant of the said town, or any one of the wardens who may preside in his absence.

Town Council
of Georgetown
may summon
witnesses.

II. *And be it further enacted* by the authority aforesaid, That the constables of the said town are hereby authorized and required duly to execute all summonses and other precepts whatsoever, to them, or either of them,

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Constables to
execute pre-
cepts.

directed by the town council aforesaid; and any person who shall, at any time or times hereafter, be duly summoned to attend and give evidence before the said town council, and shall neglect and refuse so to do, such person shall be subject to the same penalties, and liable to be proceeded against in the same manner, by process from the said town council, signed as aforesaid, as if such person had refused to give evidence when thereunto lawfully required in any district court of this State.

Land for the
use of the gaol.

III. *And be it further enacted* by the authority aforesaid, That the town council of Georgetown are hereby authorized and empowered to convey, for the use of the gaol of the said town, so much of the street on which the said gaol is bounded, as they shall deem sufficient to enlarge the yard thereof.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and six, and in the thirty-first year of the Independence of the United States of America.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1881. *AN ACT* TO REQUIRE PERSONS WHO PURCHASED LOTS FROM THE COMMISSIONERS OF THE TOWN OF COLUMBIA TO REGISTER THEIR TITLES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, by an Act entitled "An Act to appoint commissioners to purchase land for the purpose of building a town, and for removing the seat of government thereto," it is enacted that there shall be five commissioners elected by the joint ballot of the Senate and House of Representatives. And whereas, when vacancies happened in the said board of commissioners, the Governor, from time to time, issued his commissions to certain other persons, appointing such persons commissioners for carrying the said Act into execution. And whereas, the number of commissioners is not defined in the printed copies of the said Act, by reason of which inaccuracy three persons did sometimes take upon themselves (being commissioned by the Governor as aforesaid) to put into execution the said recited Act. And whereas, many sales of the public lots and squares in the town of Columbia have been made by three or more of the persons so commissioned by the Governor as aforesaid, and the consideration money received by them; to secure, therefore, all persons who have made purchases of any of the lots or squares in the town of Columbia, and who have paid for the same, and to prevent the great damage which may accrue to persons who have so purchased of the commissioners aforesaid:

Titles to be
registered.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons having or claiming any right, title or interest, to or in any lot or lots, square or squares, of land in the said town of Columbia, under the title or titles of the commissioners aforesaid, shall, within twelve months from the passing of this Act, produce to the commissioners hereafter to be appointed for carrying into full and complete effect the

above recited Act, such title or titles as they may have received from the aforesaid commissioners, to be registered in the office of the mesne conveyances of this district, except such as have already been registered; to the intent that such commissioners may certainly know, as well what lands have been sold, as what persons intend to avail themselves of the provisions of this Act.

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II. *And be it enacted* by the authority aforesaid, That every person who shall refuse or neglect to produce his or her titles for the purpose of being registered as aforesaid, shall not be entitled to any benefit or advantage of the provisions of this Act.

Penalty.

III. And whereas, the first commission was issued by the Governor on or about the eleventh of June, one thousand seven hundred and ninety-one; *Be it enacted* by the authority aforesaid, That all bonds, notes and specialties, which shall have been given for the purchase of any lot or lots, square or squares, bought of the commissioners so appointed by the Governor as aforesaid, shall be held and deemed binding and valid, in law and equity, and shall be delivered into the possession of the commissioners hereafter to be appointed, and be sued for and recovered in any court of law or equity, if default have failed in the payment thereof.

Former bonds,
&c. declared
valid.

IV. *And be it enacted* by the authority aforesaid, That no title or titles to any lot or lots, square or squares, of land in the said town of Columbia, registered as aforesaid, shall be impeached or held to be void for or by reason of the said commissioners not having been elected by the joint ballot of the Senate and House of Representatives, or because a less number than five of the said commissioners may have signed the title or titles; but in every case where the said title or titles have been registered as aforesaid, such title or titles shall be held, deemed and taken as firm and effectual, both at law and in equity, as if the same had been signed by commissioners appointed by the joint ballot of the Senate and House of Representatives, as by the said recited Act is required. Provided, that nothing in this Act shall be construed to weaken or impair, in any degree, titles which have been heretofore duly executed by the first commissioners first appointed under and by virtue of the said Act.

Titles made by
former com-
missioners de-
clared good.


V. *And be it enacted* by the authority aforesaid, That from and immediately after the passing of this Act, his Excellency the Governor shall be, and he is hereby, authorized and required to commission five fit and proper persons, and at all times to fill up such vacancies as may happen, who shall be commissioners for the purpose of carrying into effect the said Act; which said commissioners, before entering upon the execution of their duties, shall comply with all the other requisites of the said Act.

Governor to
appoint five
commissioners.

VI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the comptroller general for the time being to examine into the accounts and proceedings of the said commissioners, and to report, annually, to the legislature, a true statement thereof; and to cause all the bonds, notes and specialties due and owing, or as the same may become due or owing, for the purchase of any lot or lots, square or squares, of land in the town of Columbia, to be placed in the hands of the attorney general and solicitors of the circuits respectively where the persons due or owing the same may reside, for the recovery thereof; and also in like manner to cause suits to be commenced for all such balance or balances as may be in the hands of the respective commissioners, arising from the sales of any lot or lots, square or squares, of land in the said town of Columbia, and for which the said commissioners have not respectively accounted.

Comptroller to
examine into
and report the
proceedings of
commissioners.

VII. *And be it enacted* by the authority aforesaid, That the said com-

A. D. 1806.  missioners shall, annually, report to the comptroller general the amount of sales, and also their receipts and expenditures.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and six, and in the thirty-first year of the Independence of the United States of America.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1882. AN ACT to incorporate the several Societies therein mentioned ; and for other purposes therein mentioned.

(Passed December 20, 1806. *See last volume.*)

No. 1883. AN ACT TO COMPEL CERTAIN OFFICERS OF THE STATE TO DEPOSIT, FOR SAFE-KEEPING, IN THE STATE BANK, THE MONIES THEY HAVE RECEIVED, OR MAY HERTAFTER RECEIVE, IN THEIR RESPECTIVE OFFICIAL CHARACTERS.

Certain public officers to deposit in the State Bank the monies which they may receive.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sheriff of Charleston district, the prothonotary of the court of common pleas and general sessions, and the master in equity, shall, weekly or monthly, deposit, for safe-keeping, the monies which they may receive in their respective official characters, whether the same shall belong to the public or to an individual or individuals, in the State Bank only ; and it shall be, and is hereby declared to be, the duty of the officer depositing monies as aforesaid to express, to the proper officer of the bank, for whom and on whose account the said monies are deposited : and after depositing such monies in the said bank, it shall not be lawful for the said officers, or either of them, to draw the same, or any part thereof, out of the said bank, except by order of court, or by checks expressing in favor of whom, for whom, and on what account, the said monies are drawn ; nor shall it be lawful for the said officers, or either of them, to draw out of the said bank the monies deposited as aforesaid, or any part thereof, except for the purpose of immediately applying the same to the payment of him, her or them, who may be entitled to receive the same.

Also the monies which they have received.

II. *Be it enacted* by the authority aforesaid, That the officers aforesaid, and each and every of them, shall deposit in the said State Bank, within one month after passing this Act, the monies which they have received in their said respective official character, and which have not been paid by them to the persons entitled to receive the same ; and the deposits of monies received by the said officers shall be made in like manner as deposits are required to be made in the preceding clause ; and the said monies, received and required to be deposited, shall not be drawn out of the said bank, except in the manner and for the purpose declared in the said preceding clause.

III. *Be it enacted* by the authority aforesaid, That on failure of complying with each and every of the provisions of this Act, each and every public officer so failing to comply therewith, on conviction thereof in any court of competent jurisdiction, for each and every offence committed as aforesaid shall forfeit and pay the sum of one thousand dollars, one half of which shall go to the informer, and the other half to be paid into the public treasury of the State, in aid of the revenue thereof.

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Penalty.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and six, and in the thirty-first year of the Independence of the United States of America.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE AND OBLIGE THE GAOLER OF GEORGETOWN DISTRICT TO RECEIVE, FOR SAFE-KEEPING, SUCH PERSON OR PERSONS AS MAY BE APPREHENDED, ACCORDING TO LAW, IN THE DISTRICT OF WILLIAMSBURGH; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1884.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in all cases where any person or persons shall be apprehended, according to law, in the district of Williamsburgh, they, and each of them, shall be committed to the gaol of Georgetown district for safe-keeping, until the gaol, now building, or about to be built, in the district of Williamsburgh, shall be finished, or put into a state fit for the reception of prisoners. And the gaoler of the said gaol of Georgetown district shall be, and is hereby, authorized and bound to receive such person or persons, apprehended as aforesaid, in the said district of Williamsburgh, and shall be, and is hereby, authorized to demand and receive such fee or fees for the receiving and safe-keeping of any person or persons so apprehended in the said district of Williamsburgh, as though the said person or persons had been apprehended in the district of Georgetown.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and six, and in the thirty-first year of the Independence of the United States of America.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT to establish certain Roads, Bridges and Ferries; and for other purposes therein mentioned. No. 1885.

(Passed December 20, 1806. See last volume.)

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No. 1886. *AN ACT* TO INCREASE THE NUMBER OF JUSTICES OF THE QUORUM AND OF THE PEACE IN SEVERAL OF THE DISTRICTS OF THIS STATE.

Preamble. WHEREAS, it is expedient and necessary to increase the number of Justices of the Quorum and Justices of the Peace in several districts in this State :

The number of justices of the quorum and peace increased. I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the number of justices of the quorum and justices of the peace, in the several districts in this State hereafter mentioned, shall be increased, in manner following, that is to say :

For the district of Chester, two justices of the quorum, and two justices of the peace, in addition to the number already allowed by law.

For the district of York, one justice of the quorum, in addition to the number already allowed by law.

For the district of Newberry, one justice of the quorum, in addition to the number already allowed by law.

For the district of Lancaster, one justice of the quorum, and one of the peace, in addition to the number already allowed by law.

For the district of Fairfield, one justice of the quorum, and four justices of the peace, in addition to the number already allowed by law.

For the district of Greenville, three justices of the quorum, and four justices of the peace, in addition to the number already allowed by law.

For Abbeville district, four justices of the quorum, and two justices of the peace, in addition to the number already allowed by law.

For St. Bartholomew's, one justice of the quorum, and two of the peace, in addition to those already allowed by law.

For the district of Union, two justices of the quorum, in addition to the number already allowed by law.

For the district of Spartanburgh, two justices of the quorum, and two justices of the peace, in addition to the number already allowed by law.

For the district of Laurens, one justice of the peace, in addition to the number already allowed by law.

For the district of Marion, two justices of the quorum, in addition to the number now allowed by law.

For the parish of Prince William, one justice of the quorum, and four justices of the peace, in addition to the number already allowed by law.

Lexington, one justice of the quorum, and two justices of the peace, in addition to the number at present allowed, making in all five justices of the quorum and ten of the peace, for the district.

For the district of Edgefield, four justices of the quorum, and two of the peace, in addition to those already allowed by law.

For St. Peter's parish, one justice of the quorum, and two justices of the peace, in addition to those already allowed by law.

For the county of Clarendon, in addition to the number allowed by law, two justices of the quorum.

For Orange county, three justices of the quorum, and three of the peace, in addition to the number already allowed by law.

For the parish of St. Helena, one justice of the quorum, and two of the peace, in addition to those already allowed by law.

For St. James, Santee, one justice of the quorum, and two justices of the peace, more than now allowed by law.

One justice of the quorum, and two of the peace, in addition to those already appointed by law, for St. John's, Colleton.

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For Horry, one justice of the quorum, in addition to the number already allowed by law.

For Prince George, Winyaw, two justices of the quorum, and three of the peace, in addition to those already allowed by law.

For Saint George, Dorchester, one justice of the quorum, and one of the peace, in addition to those now allowed.

II. *And be it enacted* by the authority aforesaid, That for the district of Barnwell, there shall be four justices of the quorum, and six justices of the peace, in addition to the number already allowed by law.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and six, and in the thirty-first year of the Independence of the United States of America.

WM. SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIX; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1887.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority aforesaid, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof.

II. *And be it enacted* by the authority aforesaid, That twenty-five cents per centum ad valorem be paid in specie or paper medium on all lands granted within this State, under the several regulations hereinafter mentioned. Class No. 1 shall contain all tide swamp of the first quality, not generally affected by the salts or freshes, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by the salts or freshes, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshes, which shall be rated at eight and one half dollars per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight and one half dollars per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; pine barren lands, adjoining or contiguous thereto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality to be rated at thirteen dollars per acre; the second

Rate of taxation on lands.

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quality at eight and one half dollars per acre; the third quality at four dollars per acre; excepting such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamps and low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands on the Sea islands, (Slann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford, and the new boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one and one half dollars per acre; the second quality at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality at sixty cents per acre; and the third quality at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

Rate of taxing
slaves, &c.

III. *And be it enacted* by the authority aforesaid, That fifty cents per head shall be levied upon all slaves; and the sum of two dollars per head on all free negroes, mulattoes, and mestizoes, between the ages of fifteen and fifty; and twenty-five cents ad valorem on every hundred dollars of the value of all lands, and lots and buildings within any city, village, or borough; and fifty cents per centum on all stock in trade, fac-torage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium or specie.

Slaves employ-
ed on Indian
lands.

IV. *And be it enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property of the estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, or the Fellowship Society, or of the estate of the late Doctor De la Howe, devised for charitable purposes, and that part of the estate of the late Thomas Wadsworth which was devised for the establishment of a school, or the Clarendon, or the High Hills of Santee, or the Camden Orphan Societies, or the Columbia Academy, or the lands and funds owned by the Free School of Dorchester, or the public lands held by the corporation of Charleston, or of the lands and funds of any society applicable to the education or main-

tenance of public schools; but that no houses owned or erected on the same by any private individuals, shall be exempted from paying taxes thereon, according to their full value, to be rated by the assessor or assessors, in the respective collection districts.

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V. *And be it enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any young man sent abroad for his education, until he attains the age of twenty-three years; or to the property of any person now absent from the United States, unless such person has been absent for one year.

Absentees double taxed.

VI. *And be it enacted* by the authority aforesaid, That the tax collectors throughout this State shall receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance in gold or silver at the bank of the United States, the branch bank thereof in Charleston, the bank of South Carolina, the State Bank, or certain certificates for the pay of the members of the Legislature, or the Solicitors, for their attendance on the Legislature.

What shall be received for taxes.

VII. *And be it enacted* by the authority aforesaid, That each and every enquirer, assessor and collector shall, on their enquiry for their return of the taxes of this State for the year one thousand eight hundred and six, administer the following oath to all such persons as may be liable to pay any of said taxes, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that the account which I now give in is a just and true account of the quality and quantity of the lands, and the number of slaves, on the first day of October, one thousand eight hundred and six, in any manner whatsoever, which I was possessed of, interested in, or entitled to, either in my own right or in right of any other person whomsoever, either as guardian, executor, agent, attorney, trustee, or in any manner whatsoever, according to the best of my knowledge or belief; and that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked me touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever." And upon the principal sum of every sum or sums of interest money actually received, over and above what each person pays on account of interest, the said assessor, enquirer or collector, or assessors, enquirers or collectors, to whom the same shall be returned, shall assess the sum of twelve and one half cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportionable sum on all other sums of money drawing less or more than seven per cent; to be recovered in like manner, in case of default, as the collectors are authorized by law heretofore to do on their returns of lands or slaves.

Returns of all property to be made on oath.

Tax on money at interest.

VIII. *And be it enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, they shall be liable to and suffer the same forfeitures and pay the same penalties as are authorized by law in case of their refusing or neglecting to make a return of his, her or their lands or slaves.

Property not returned.

IX. *And be it enacted* by the authority aforesaid, That the instalments on the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid as directed by an Act

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Time of pay-
ment of the pa-
per medium.

entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and eight. Provided, that no person shall be entitled to the benefit of this clause who shall not give additional security, if required, to the treasurer at Charleston, in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which may be made in paying the interest to grow due on the first day of March next.

Copies of this
Act to be fur-
nished.

X. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act, and of the Act supplementary to an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," to each of the collectors appointed by law throughout this State, who have not yet been furnished with such supplementary Act, within one month after passing this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

Sale of lands
postponed.

XI. *And be it enacted* by the authority aforesaid, That the Comptroller be, and he is hereby, required to postpone making sale of the lands directed to be sold by the twenty-third clause of an Act entitled "An Act supplementary to an Act entitled an Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," until the first day of January, one thousand eight hundred and eight.

Times for ma-
king returns
and paying
taxes.

XII. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, all persons liable to pay any taxes hereafter to be imposed by any law of this State, shall, on or before the first day of February in each and every year, give in a just and true return of all slaves, and of the quality and quantity of all lands, and monies at interest, as may be directed and required by the said laws, which they may hold or be entitled unto in his, her or their own right, or the right of any other person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever; and shall, on or before the first day of May ensuing, pay their taxes to the collector of that collection district where the party making such return, either by himself, his or her family, may reside the greater part of the year. And that the said assessors or collectors shall annually pay the same, and settle their accounts with the treasurer, on the first day of June next ensuing, so far as respects the tax collectors of the lower division of the treasury.

Mortgaged
lands bought
in on account
of the State to
be sold.

XIII. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums borrowed by them, and sales have been made of the lands mortgaged to secure the said loan, and the treasurers have bought in the said lands for defect of bidders, and the same remain as the property of the State, unproductive; and in other cases the property so sold has been purchased in by the mortgagors and others, who have not complied with the terms or conditions of the said sales; *Be it therefore enacted* by the authority aforesaid, That the treasurers aforesaid shall be, and they are hereby, authorized and directed to cause all the lands bought in as aforesaid on account of the State, and all the lands purchased in by the mortgagors or other persons whomsoever who have not complied with the conditions of the former sales of the said property, to be put up to sale, in the districts in which they severally lie, by the sheriffs of the said districts, on a public sale day, after giving three months notice thereof, and shall sell the same to the highest bidder, who shall pay one fourth

of the purchase money in cash, and the remaining three fourths in one and two years; for the performance of which he shall give his bond and a mortgage of the premises, and also personal security, to be approved of by the sheriff and three commissioners, residing in such districts, to be nominated by the treasurer. Provided, no sale of the mortgaged lands shall take place when any person interested in the same shall, previously to the day of sale, tender one third part of the sum due, together with the expenses incurred.

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Proviso.

XIV. *And be it enacted* by the authority aforesaid, That on all sales made in pursuance of the next preceding clause, and under the authority thereof, the purchaser shall, immediately after the said property shall be knocked off to him, pay into the hands of the sheriff making the said sale a sum which shall at least be equal to ten per cent. upon the amount of his purchase, towards the payment thereof; and if he should fail or neglect to make such payment, the sheriff shall immediately set up the same property for public sale, upon the spot; and shall not, upon such re-sale, or any other sale of the same property made by virtue of this Act, receive the bid of the first purchaser or his agent. And that the sheriff shall, in all his advertisements of the property sold by virtue of this Act, on account of the paper medium loan, give notice that he will require the payment of the ten per cent.; to the end that no persons inclined to purchase at the said sales may be ignorant thereof.

Terms of such sales.

XV. *And be it enacted* by the authority aforesaid, That if any purchaser, after paying the percentage aforesaid, shall fail or neglect to comply with the terms of the sale, all the money so paid shall be forfeited to the State; and shall be applied first to pay the costs and charges accrued or due upon the said sale; and the surplus, if any, shall be paid into the treasury of this State, in aid of the revenue thereof.

Forfeiture on not complying with the terms of such sales.

XVI. *And be it enacted* by the authority aforesaid, That if any person shall at any re-sale made by the sheriff on account of the first or any former purchaser having failed or neglected to pay the percentage aforesaid, or to comply with the terms and conditions of the sale, such person shall himself be bound by his purchase, and shall comply with this Act, and the terms and conditions of such re-sale, and shall not be allowed to say, set up, or pretend, that he bought the same as agent for the first or any former purchaser. Provided always, that it shall be publicly proclaimed by the crier at such sale, that the same was to be on account and risque of the first or former purchaser; and that the conditions and terms of the sale shall, in like manner, be proclaimed by him immediately before the property is set up.

Terms of sale when lands are re-sold.

XVII. *And be it enacted* by the authority aforesaid, That in case of any re-sale made under the authority of the preceding clauses of this Act, on account or by reason of the non-payment of the ten per cent. hereby required to be paid, or on account of the non-compliance with the conditions and terms herein before prescribed, the person or persons for whose default the said re-sale shall be made, shall be, and he, she and they is and are hereby declared, liable for any deficiency which may happen between the first and any subsequent sale of the said property; and the treasurers are hereby authorized and directed to commence suits for the recovery of any such deficiency.

Defaulters liable for any deficiency by such sales.

XVIII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the tax collectors of this State to make, on the first Monday in September next, to the commissioners of the poor, in the parish or district in which any poor tax shall be by the tax collectors respectively collected, a return of such poor tax, in like manner as they make their re-

Poor tax.

A. D. 1806.

turns of the public tax to the treasurers of this State. And that it shall also be the duty of the said tax collectors to make a duplicate return to the comptroller general of the amount of the tax so collected and paid to the commissioners.

Transient
poor fund of
Charleston.

XIX. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed annually to call on the treasurer of the City Council of Charleston to render an account on oath to him of the application of such monies as are appropriated for the support of the transient poor, and for other purposes; and that the account so rendered be laid before the Legislature.

Tax collectors
to return prop-
erty lying in
other divisions,
for which taxes
are paid them.

XX. *And be it enacted* by the authority aforesaid, That the several tax collectors in each fiscal division of the State shall exhibit, in some column of their return, the number of acres of land lying in their respective divisions, and the number of acres lying elsewhere, and where, and for which taxes shall be paid them; in like manner they shall exhibit in other columns the number of negroes within their divisions, and of those elsewhere, and where, on which taxes shall be paid them; and in other separate columns exhibit the amount of taxes in their respective divisions, on every article taxed by law; and the treasurers of each division, and the comptroller, shall preserve these columns in their aggregate of taxes to be laid before the next Assembly.

Taxes in the
fork of Edisto.

XXI. *And be it further enacted* by the authority aforesaid, That the inhabitants of the fork of Edisto, shall henceforth pay their taxes to the tax-collectors of Orange Parish, whose power and authority shall hereafter extend throughout the fork, up to the lower line of Edgefield district.

Return to be
made by tax
collectors.

XXII. *And be it enacted* by the authority aforesaid, That the tax collectors for the parishes of St. Philip's and St. Michael's, Charleston, shall, on the first Monday in the months of April, May and June, in each and every year, make the following return to the treasurer of the lower division, to wit: "I, A. B. do solemnly swear (or affirm) that the sum of ——— dollars, by me now paid, is all the money which I have received on account of the general tax, since my last return." And on the first Monday in July, in each and every year, the said tax collectors for St. Philip's and St. Michael's, Charleston, and each and every collector in the upper division of the treasury of this State, and on the first Monday in June, in each and every year, each and every collector in the lower division of the treasury of this State, shall compleatly and finally close their several and respective returns, by paying over the full balance which may have been received by them, and producing to the treasurer of the said upper and lower divisions of the treasury of this State, respectively, the sheriff's receipts for all executions lodged by them against defaulters; and if the sheriff's receipt, so produced, shall not satisfactorily account for the full balance due on the said return, then, and in such case, the treasurers in each division respectively, shall be, and they are hereby, directed to enforce the means pointed out by the Act entitled "An Act declaring the duties and powers of the enquirers and assessors of taxes, and other persons concerned therein," passed in the year of our Lord one thousand seven hundred and eighty-eight. And the said several tax collectors, upon closing their said returns, shall respectively take the following oath or affirmation, to wit: "I, A. B., do solemnly swear (or affirm) that the return I now make, is a just and true return of all the taxable property made for the collection district of ———, and that the sum of ——— dollars, by me now paid, is the whole of the monies I have received for the general taxes of the said district, since my last return;" which said oath or affirmation the treasurer shall impose, and cause to be endorsed on the said return.

Oath to be
taken by the
collectors.

XXIII. *And be it enacted* by the authority aforesaid, That every person liable to pay the tax hereby imposed, and who is required to make a return by the preceding clause of this Act, shall, in his or her said return, particularly account for any property by him or her sold since the return of the preceding year, by stating whether the same was sold by him or her before or subsequent to the first of October, then next preceding, and to whom, that the comptroller-general, by an examination thereof, may be enabled to ascertain whether the tax due thereon has been paid; and in case any person shall fail or neglect to do so, he, she or they shall be liable for a double tax thereon, in the same manner as he, she or they would have been, had he, she or they not dispossessed themselves thereof.

A. D. 1806.

Persons selling taxable property required to make a return thereof.

XXIV. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed, annually, to call on the several boards of commissioners of public buildings, and boards of commissioners for clearing, opening and rendering navigable the several rivers and creeks in this State, to render an account, on oath, to him, of the application of such monies as are appropriated for the erection of public buildings, or the clearing, opening and rendering navigable the rivers and creeks in this State; and that the accounts so rendered be laid before the legislature.

Commissioners of public buildings and inland navigation to account to the Comptroller.

XXV. *And be it enacted* by the authority aforesaid, That the treasurers of Charleston and Columbia shall, under the direction of the comptroller general, cause to be opened in their respective offices, on the first day of April next, books for the registry of all outstanding claims against the State, heretofore unregistered and provided for, of the nature of those which were registered by virtue of the twelfth enacting clause of the Act to establish the office of a Comptroller of the revenue and finances of this State, and for other purposes therein mentioned, passed 21st day of December, 1799; which said books shall be kept open for the purposes aforesaid until the 1st October, 1808.

Claims against the State to be registered.

XXVI. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, authorized to sell a certain tract of land, being part of the confiscated estate of Elias Ball, which was sold to the late John Bryan, and returned to the State; and also that he be, and is hereby, authorized likewise to appoint a surveyor in behalf of the State, in a suit now depending between the State and Robert Beaty.

A tract of land, part of the confiscated estate of Elias Ball, to be sold.

XXVII. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and is hereby, authorized and directed to sell a tract of land of one hundred and eighty-eight acres, mortgaged to the paper medium loan office by John O'Neil, and purchased for the State, and to apply the nett proceeds of such sale towards the payment of the bond of the said O'Neil, instead of the sum now credited thereon, at which the said land was purchased.

A tract of land mortgaged by J. O'Neil, to be sold.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and six, and of the Independence of the United States of America the thirty-first.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A. D. 1806.

No. 1888. *AN ACT* TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIX.

Appropriations

I. Be it enacted, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of public officers, and other expenses and purposes of government.

For the salary of the Governor, two thousand five hundred and seventy-two dollars.

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of six Judges of the courts of common pleas, each two thousand five hundred and seventy-two dollars—in the whole, fifteen thousand four hundred and thirty-two dollars.

For the salaries of three Judges of the Court of Equity, each two thousand one hundred and forty-four dollars—in the whole, six thousand four hundred and thirty-two dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full recompense for the discharge of all public duties incident to his office, as Attorney General, one thousand dollars.

For the salaries of four Circuit Solicitors, each, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, five hundred dollars—in the whole, two thousand dollars.

For the salary of the Comptroller-general, two thousand and five hundred dollars.

For the salaries of the Comptroller-general's clerks, and the stationary requisite for his office, one thousand six hundred dollars.

For the salary of the Treasurer of Charleston, as Treasurer and for transacting the business of the Loan Office, and Clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salary of the Clerk of the Senate, and the Clerk's salary of the House of Representatives, each twelve hundred and thirty dollars; in the whole, two thousand four hundred and sixty dollars.

As a compensation for the Clerk of the Court at Columbia, one hundred and forty dollars.

As a compensation for the Clerk of the Court at Charleston, one hundred and forty dollars.

As a compensation for the Sheriff of Richland district, for attending the Constitutional Court at Columbia, fifty dollars.

As a compensation for the Sheriff of Charleston district, for attending the Constitutional Court at Charleston, fifty dollars.

For the keeper of the State House at Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, fifteen hundred dollars.

For the salaries of nine Brigade Inspectors, each two hundred and sixteen dollars—in the whole, one thousand nine hundred and forty-four dollars.

As a compensation for the Arsenal keeper and powder receiver, in the city of Charleston, three hundred dollars.

As a compensation for the Arsenal keepers and powder receivers for Abbeville, Camden, Georgetown and Beaufort, each fifty dollars—in the whole, two hundred dollars. A. D. 1806.

For the salary of the Port Physician of Charleston, six hundred dollars.

For the contracts of the State Printer, a sum not exceeding one thousand one hundred and fifty-eight dollars.

As a compensation for the Pilot for the bar and harbour of Georgetown, three hundred and twenty-two dollars.

As compensation for the pilot for the bar and harbor of Beaufort, three hundred and twenty-two dollars.

For Annuities, six thousand five hundred dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary of the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

For the expenses of carrying into effect the Quarantine Law, one thousand dollars.

As a contingent fund subject to the Governor's draft, he submitting an annual account of the expenditure thereof, six thousand dollars.

For the expenses of the Members of the Legislature at the present session, and pay of the Solicitors for their attendance, thirteen thousand five hundred dollars—if so much be necessary.

As a compensation for two Doorkeepers to the Legislature, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars. And as compensation for two Messengers, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars.

For rent of the Governor's house in Columbia, two hundred and fifty dollars.

For the Rev. Mr. Reid, for performing divine service during the session, one hundred dollars.

For aid in supporting the transient poor in Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller, and by him submitted to the legislature.

II. *And be it further enacted* by the authority aforesaid, That a sum not exceeding three thousand dollars, be, and they are hereby, appropriated for the purpose of re-building the court house for the district of Darlington; and that Adam Marshall, Moses Sanders, Col. John Smith, John Sanders, senior, Jesse Dubose, Timothy Dargan and Eli King, be, and they are hereby appointed, commissioners to contract for and superintend the building thereof; and that the said court house be built of brick. Darlington court house to be re built.

That a sum not exceeding three thousand dollars be appropriated for building a brick court house in Pendleton district.

For paying Dr. John Mitchell for an indent, three hundred and eighty-six dollars and fifty-seven cents.

Mrs. Keziah Sally, administratrix of the estate of John Sally, deceased, for an indent No. 372, and half the interest due thereon, seven hundred and thirty-two dollars, sixty-seven cents.

For repairs to be made on Edgefield gaol, thirty dollars.

For Joseph Hughes, late sheriff of Union county, the sum of twenty-one dollars and fifty-two cents.

That a sum not exceeding three thousand dollars be appropriated to

A.D. 1806.

build a brick court house for the district of Edgefield, and that William Hagin and Benjamin Frazer be, and they are hereby appointed, commissioners to contract for and superintend the said building.

For repairs to the gaol of Union district, a sum not exceeding one thousand dollars.

To Philip Haughpaugh, the sum of fifty dollars.

To Philemon B. Waters, for repairing Newberry gaol, two hundred dollars.

To John M. Verdier, for dower in confiscated land, for which judgment was obtained against him, eight hundred and seventy dollars.

For repairing Kershaw gaol, a sum not exceeding five hundred dollars, in addition to the sum heretofore allowed.

For Celia Taylor, pensions, three hundred and eighty-five dollars, fifty-six cents.

For repairing the gaol of Colleton district, and making a well, to be bricked, a sum not exceeding three hundred and fifty dollars.

To John Harris, for services performed as Sheriff of Pendleton county, one hundred and eighty-two dollars, eighty-seven cents.

To William Smart, to work for representatives chamber, two hundred and five dollars.

For the discharge of the contingent expenses of the upper division, a sum not exceeding five thousand four hundred and ninety-two dollars and eighty-eight cents.

For the discharge of the contingent expenses of the lower division, four thousand eight hundred and fifty-five dollars and twenty-three cents.

For the City Guard, payable to the City Council of Charleston, four thousand dollars.

Magazine
guard.

III. *And be it further enacted* by the authority aforesaid, That the pay hereinafter to be provided for the support and maintenance of the magazine guard, shall be restricted to that of an officer, sergeant and six men; and that the sum of two thousand two hundred dollars be appropriated for the payment of the said guard, under the direction of the comptroller general.

Paper medium
to be burnt.

IV. *And be it further enacted* by the authority aforesaid, That the treasurer of the lower division of the treasury, under the direction of the comptroller general, and in his presence and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, and any three of the Judges of the Courts of Law or Equity, or in the presence of a majority of the persons above named, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State, now in the treasury, or that may be received previous to the next sitting of the Legislature, provided the same shall not exceed the sum of four thousand six hundred and eighty dollars, to be burned; and to report to the Legislature the amount of the medium which may be burned.

Funded debt to
be bought up.

V. *And be it enacted* by the authority aforesaid, That the balance of the interest which shall hereafter remain to this State on the debt due by the United States, after paying the interest due on the funded debt of this State, and the amount of the principal which may be paid on the principal of the debt due to this State by the United States, shall be, and the same is hereby, appropriated to the purchase or redemption of the funded debt of this State, by the treasurer of the lower division, under the direction of the comptroller general and the standing committee of the legislature.

VI. *And be it further enacted* by the authority aforesaid, That the treasu-

rer on receiving any monies from the tax collector, or any other person of this State, shall give him or her two receipts for the same; and in case any treasurer shall neglect to furnish such person with two receipts as aforesaid, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, to be recovered in any court having jurisdiction thereof, by the comptroller general.

A. D. 1806.

Treasurer to give two receipts for monies received by him.

VII. *And be it further enacted* by the authority aforesaid, That the following persons be, and they are hereby appointed, a standing committee to carry into execution the provisions of this Act, referred to them, viz : John Ward, John Blake, John Drayton, John Dawson, Jr., Henry Deas, and William Lee.

Standing committee.

The Honorable Waddy Thomson, for balance of his accounts as Solicitor, fifteen hundred and twenty-one dollars and seventy-five cents.

For building a wall round the gaol in Georgetown, two thousand five hundred dollars.

Henry Inglesby, for a gown for the Speaker of the House of Representatives, two hundred and forty-two dollars and twenty one cents; and for balance due for a gown for the President of the Senate, thirty-three dollars and fifty-eight cents; making in the whole two hundred and seventy-five dollars and seventy-nine cents.

Isaiah Cunningham Fitten, for services rendered by his father as a soldier in General Sumter's brigade, three hundred and fifty-two dollars and fifty cents, with the interest that would have been due thereon had the same been duly registered.

For the repairing the tobacco inspection stores at Charleston, five thousand four hundred and ninety-one dollars.

Doctor Joseph Gantt, for attending prisoners in Edgefield gaol, twenty-five dollars and seventy-five cents.

The Honorable John F. Grimke, for one share in the Broad River Company, when he shall produce to the comptroller general legal assurances of the transfer of the said share from the original proprietor to himself, and shall execute a good and sufficient release thereof to the State, two hundred and thirty dollars and seventy-eight cents.

The executors of the estate of the late D. E. Dunlap, for balance of salary from the tenth of September, one thousand eight hundred and four, to the fourth Monday of November of the same year, two hundred and fifty-six dollars and twenty-five cents.

Reuben Long, executor of Hubert Rees, late sheriff of Sumter district, ninety-six dollars and forty-two cents.

For building a president's house for the South Carolina College, eight thousand dollars.

VIII. *And be it further enacted* by the authority aforesaid, That the sum of twelve hundred dollars be annually appropriated for the salaries of two tutors in the South Carolina College; and that the trustees of the college be authorized to appoint such tutors.

Salaries of two tutors in the college.

For Sarah Sanders and Donald Frazer, for completing Abbeville gaol, four hundred and seventeen dollars.

For repairing Lancaster court house, and building stocks at the same, one hundred and fifty dollars.

For repairing and completing Sumter court house, eight hundred and fifty dollars.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and six, and in the thirty-first year of the Sovereignty and Independence of the United States of America.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A. D. 1807.

No. 1889. AN ACT to amend an Act entitled "An Act for amending an Act entitled An Act for regulating and ascertaining the rates of wharfage of ships and merchandize, and also for ascertaining the rates of storage, in Charleston;" and for repealing the first clause of the said Act, or any other Acts as are repugnant thereto.

(Passed December 19, 1807. *See last volume.*)

No. 1890. AN ACT TO AUTHORIZE THE BOTANICK SOCIETY OF SOUTH CAROLINA TO RAISE A CERTAIN SUM BY LOTTERY.

Preamble. WHEREAS, Robert Pringle, Frederick Dalcho, Joseph Johnson, John M. Davis, and John W. Ramsay, being the committee appointed for the Botanick Society of South Carolina, for the management and direction of the Botanick Garden, by their petition prayed that they might be authorized to raise by lottery a sum not exceeding six thousand dollars, for the purpose of carrying into effect the said establishment, and of rendering the Botanick Garden an useful auxiliary to education :

Botanic Society authorized to draw a lottery.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Robert Pringle, Frederick Dalcho, Joseph Johnson, John M. Davis, and John Witherspoon Ramsay, be appointed commissioners, and shall have full power and authority, and they are hereby fully authorized and empowered, to make and proceed to the drawing and finally concluding of one or more lotteries for the above purposes: provided, they do not, by the said lotteries, gain more than the nett sum of six thousand dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America the thirty-second.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1891. AN ACT CONCERNING THE TOWN OF SAXEGOTHA.

Preamble. WHEREAS, the old town of Saxegotha, on the south side of the Congaree river, in Lexington district, heretofore laid out and appropriated for such Germans and foreigners as would migrate to and settle in this country, remains still subject to be granted for that purpose; and whereas, several of the proprietors of lots in the said town, and many other citizens in the neighbourhood of the same, have, by their petition, prayed that the said town should be converted to other uses :

A. D. 1807.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Threewits, John Drehr, John Geiger, Abraham Geiger, Hargrove Arthur, Nicholas Hane, John Thomas, and John P. Bond, Esquires, are hereby appointed commissioners, and are vested with full power and authority to cause such number of lots in the said town as have been granted, and now owned by citizens of this State, with a proportion of street and common, to be laid off in the most preferable and valuable part of the said town, for the proprietors of lots within the same; and to cause such part, so designed for the proprietors as aforesaid, to be laid off in lots, preserving therein a number of lots in each square, and such width in the streets as may be conformable to the original plan of the said town, and giving to each proprietor his or her choice of a lot therein, according to the number of his or her lot in the said town.

Commissioners
appointed.

II. *And be it enacted* by the authority aforesaid, That if any proprietor of a lot or lots in the said town should be willing to release the same for the value thereof, to the said commissioners, for the use of this State, then the said commissioners, or a majority of them, shall fix the value of such lot or lots, not exceeding twenty dollars for any lot, and take a release thereof, and shall thereupon give to the proprietor a certificate, promising to pay such proprietor, or his executors or administrators, a sum of money, therein to be expressed, and to be equal to the value of the said lot or lots, as soon as the said money can be made out of the rent or profits of the land in the said town; and all the lands in the said town to which the State hath the right, are hereby charged with the payment of the monies due by such certificate; and if the principal and interest due on any such certificates is not paid within five years after the date thereof, then the said commissioners, or the surveyors, or a majority of them, shall and may, if they have no other means of raising the said monies, sell and release the said town in fee, for such sum, in cash, as will be necessary to pay off the said certificates and the interest, and giving such credit for the residue, not exceeding three instalments, as the said commissioners may judge most advantageous.

Proprietors
may release
their lots.

III. *And be it enacted* by the authority aforesaid, That the said commissioners shall have power, and are hereby required, to cause the residue of the said town (that is to say, that part not belonging to proprietors,) to be laid off into convenient fields, and to rent out the same, for the best price that can be had for the same, and to apply the monies thereby arising in extinguishing the claims of the proprietors who may release the title of their lots to the said commissioners, and in paying the other expenses; and after such claims are extinguished, and such expenses are paid, then the said commissioners shall pay over the surplus of such rent to the treasurer, for the use of the State.

The residue of
the said town
to be rented
out.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners appointed as aforesaid, or a majority of them, shall, at the next session of the legislature, make a report of such property as the State may be entitled to, and annually to report an accurate account of their proceedings in pursuance of this Act.

Commissioners
to report to the
Legislature.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America the thirty-second.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A. D. 1807.

No. 1892. AN ACT to alter and amend an Act entitled "An Act concerning the Cavalry and Artillery of this State; and for other purposes therein mentioned;" passed the 16th December, 1797.

(Passed December 19, 1807. *See last volume.*)

No. 1893. AN ACT to give the Militia Officers of this State, who have not taken the oath required by the Act of the General Assembly, passed the nineteenth day of December, one thousand seven hundred and ninety-four, in the manner directed by said Act, further time to take the said oath.

(Passed December 19, 1807. *See last volume.*)

No. 1894. AN ACT to appoint Commissioners to assess such parts of lots of land in Charleston as are necessary to widen Market-street, and to permit the City Council to enjoy the same as a public street, on payment of the sum assessed as its value.

(Passed December 19, 1807. *See last volume.*)

No. 1895. AN ACT FOR THE RELIEF OF JESSE ROUNDTREE AND OTHERS, OWNERS OF MILL DAMS ON HORSE CREEK.

Preamble.

WHEREAS, Jesse Roundtree hath, by his petition, represented to the legislature the great expense and inconvenience to which he is subjected in consequence of his being obliged to keep open a lock or flood-gate in his mill dam on Horse Creek, in the district of Edgefield, for the passage of rafts through the said dam: For remedy whereof,

Proprietors of
dams, &c. to
keep a passage
open for rafts.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every person now owning, or hereafter owning or building, any mill, mill-dam, or other dam or obstruction, across Horse Creek, in the district of Edgefield, shall always, after the passing of this Act, have and keep a good and sufficient slope, at least ten feet wide and three feet deep, from high water mark, in every such dam, mill-dam or other obstruction; and in default thereof, a passage may be cut open by the direction of a magistrate and freeholders, in the same manner and by the same mode of proceeding as rice dams may by law be cut; and the owner or possessor thereof shall also be liable to be indicted, or to be sued by a special action on the case.

II. *And be it further enacted* by the authority aforesaid, That so much of the Act entitled "An Act to establish the roads and ferries therein mentioned, to prescribe certain regulations respecting roads, and for other purposes therein mentioned," passed at Columbia, on the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-six, as relates to keeping of good and sufficient flood-gates, locks or other passages in the said dams, be, and the same is hereby, repealed. A. D. 1807.
Former clause repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America the thirty-second.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT to authorize the different Boards of Commissioners of Roads throughout the State to have the fines and other monies due, or which may hereafter be due, to the said Boards of Commissioners (and heretofore collected by Constables) collected by Sheriffs. No. 1896.

(Passed December 19, 1807. *See last volume.*)

AN ACT TO ADD JOHN SIMPSON TO THE PRESENT NUMBER OF JUSTICES OF THE PEACE FOR CHARLESTON DISTRICT. No. 1897.

WHEREAS, much inconvenience and delay may arise from the indisposition or unavoidable absence of the Ordinary of Charleston district, as no other person than himself is authorized by law to administer the oaths necessary to be taken in that office:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, John Simpson, now a clerk in the said office, be added to the present number of justices of the peace nominated and appointed for the district of Charleston, to act until the term fixed by law limiting the term at which the authority of magistrates shall expire; any law or usage to the contrary thereof in any wise notwithstanding. John Simpson appointed a justice of the peace.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America the thirty-second.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A. D. 1807.

No. 1898. AN ACT explanatory of former Acts relative to the mode of determining the seniority of Officers in the Militia of this State; and for other purposes therein mentioned.

(Passed December 19, 1807. *See last volume.*)

No. 1899. AN ACT TO CHANGE THE NAME OF JOHN COTTINGHAM TO THAT OF JOHN RIDGEL.

WHEREAS, John Cottingham hath petitioned the legislature to change his present name to that of John Ridgel:

John Cottingham to take the name of John Ridgel.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said John Cottingham be, and he is hereby, authorized to change his present name to that of John Ridgel; and that he shall hereafter be known and distinguished in law, and in all transactions in law wherein he may be bound or obliged, or wherein any person or persons may be bound or obliged to him, by no other name but that of John Ridgel.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and in the thirty-second year of the Independence of the United States of America.

ROBERT BARNWELL, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1900. AN ACT to incorporate the Union Insurance Company.

(Passed December 19, 1807. *See last volume.*)

No. 1901. AN ACT TO MARK AND DEFINE THE LINES OF DIVISION BETWEEN THE DISTRICTS OF NEWBERRY AND LAURENS, AND THE DISTRICTS OF HORRY AND GEORGETOWN, AND APPOINT COMMISSIONERS THEREIN MENTIONED.

Preamble. WHEREAS, it is necessary and proper that the lines of division between the districts of Newberry and Laurens, in the State of South Carolina, should be run out, marked and defined:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the former line of division between the districts aforesaid,

be run out, marked and defined; and that James Caldwell, James Law, senior, and John Leval, Esq. be, and are hereby nominated and appointed, as commissioners on the part and behalf of the district of Newberry, and William Dunlap, William Burnside, and Josiah Prater, senior, on the part and behalf of the district of Laurens, or a majority of them, be commissioners to, and have full power to, cause the line of division, as now fixed by law, between the said districts, to be run out, marked and defined, and procure and employ surveyors and axe-men to assist in running, marking out and defining the same.

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Division line
to be run be-
tween Newber-
ry and Lau-
rens.

II. *And be it further enacted* by the authority aforesaid, That Joseph Blyth, Thomas Fearwell and Origin D. Dwight, Esqs. be, and they are hereby appointed, commissioners to have the dividing line between Georgetown and Horry districts run out, marked and defined, agreeably to the provisions of an Act, passed the twelfth day of March, 1785, entitled "An Act for the laying off the several counties therein mentioned, and appointing commissioners to erect the public buildings;" and that they be, and hereby are, authorized to procure and employ, at the public expense, such surveyors and axe-men as they may judge necessary, to assist in running, marking out and defining the said dividing line between the districts aforesaid.

Between
Georgetown
and Horry.

III. *And be it further enacted* by the authority aforesaid, That Reuben Starke, Thomas Whitaker, John Woodward, junior, and Captain James Stewart, be, and they are hereby appointed, commissioners to run out the dividing lines between the districts of Kershaw and Fairfield; and that the said commissioners be authorized to employ surveyors, axe-men and chain carriers, to aid in running out, ascertaining and marking the said lines, agreeably to an Act of the general assembly for that purpose made and provided.

And between
Kershaw and
Fairfield.

IV. *And be it further enacted* by the authority aforesaid, That the legislature will provide for the necessary expenses to be incurred by carrying the foregoing Act into effect.

The State to
defray the ex-
penses.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and in the thirty-second year of the Independence of the United States of America.

WM. SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO ALTER THE DIVIDING LINE BETWEEN LEXINGTON AND ORANGEBURGH DISTRICTS. No. 1902.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority aforesaid, That Beaver creek and Upper Fall branch, and a line from the head of Upper Fall branch, running south sixty degrees west, to north Edisto river, shall for ever hereafter be the dividing line between Lexington and Orangetown districts; and that Alexander B. Stark and Doctor V. D. V. Jamison, be, and they are hereby, appointed and required to run out and mark the same, and to draw on the treasurer, not exceeding thirty

A.D. 1807. dollars, for their pay and the pay of the axe-men and others employed about the same.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America the thirty-second.

WM. SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1903. AN ACT TO INCREASE THE COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, BY ACT.

WHEREAS, doubts have arisen whether the resolution of the legislature, passed in the year eighteen hundred and five, increasing the pay of the members of the legislature to three dollars per diem, be consistent with the constitution in that case made and provided :

1. *Be it therefore enacted*, by the Senate and House of Representatives, now met in General Assembly, and by the authority of the same, That the members of the legislature shall be entitled to receive out of the public treasury, as a compensation for their expenses, a sum not exceeding three dollars a day during their attendance on, going to, and returning from the legislature, at the rate of thirty miles per day.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America the thirty-second.

WM. SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1904. AN ACT to incorporate the Beaufort Library Society, and also the Newberry Library Society.

(Passed December 19, 1807. *See last volume.*)

No. 1905. AN ACT TO LEGALIZE TITLES TO REAL PROPERTY DERIVED FROM OR THROUGH ALIENS, AND TO ENABLE ALIENS, UNDER CERTAIN CONDITIONS THEREIN MENTIONED, TO HOLD, CONVEY AND DEVISE REAL PROPERTY.

Preamble. WHEREAS, many grants, conveyances and contracts of and relating to real property in this State, have been made and executed to divers per-

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sons who were aliens at the dates of the said grants, conveyances or contracts, but who subsequently thereto have become, or intend to become, citizens of the United States of America; and whereas, many other grants, conveyances and contracts, of and relating to real property in this State, have heretofore been made and executed to aliens, who have transferred their titles, rights and interests to citizens, or to aliens who intend to become citizens; and whereas, many other titles, or contracts to make titles, to real property in this State, though not obtained directly from aliens, are incumbered with mesne conveyances and titles derived through them; and whereas, persons possessing real property under the above circumstances, may, under the existing laws, be deprived thereof, the consequences of which would not only produce much distress to the unfortunate sufferers, but would tend to repress that spirit of enterprize and industry so conducive to the wealth and prosperity of every community: for remedy thereof,

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any citizen or citizens, alien or aliens, who has or have entered into any *bona fide* contract or contracts, or who hath or have received any grant or grants, or other deed or deeds of conveyance for or relating to any real property in this State, or whose titles are derived from or through aliens, either mediately or immediately, may and shall hold and enjoy the same in fee simple, or for any less estate, according to the nature of his, her or their contract or contracts, grant or grants, or other deed or deeds of conveyance; any law, usage or custom to the contrary thereof in any wise notwithstanding: Provided, that every alien, previously to his or her being entitled to avail him or herself of any of the benefits of this Act, shall declare his or her intention to become a citizen of the United States, agreeably to the Act of Congress in such case made and provided: Provided also, that no alien entitled to real property under the foregoing provisions, shall enjoy any other privilege of a citizen of the United States: And provided further, that nothing contained in this Act shall be so construed as to interfere with or at all invalidate any grants of real property which may heretofore have been made by the legislature of this State unto any person or persons, or unto any body or bodies corporate, or to affect in any measure descents already cast.

Titles derived from or through aliens, legalized.

II. *And be it further enacted* by the authority aforesaid, That all persons holding, or who shall hold, real property in this State, under the aforesaid provisions, shall be permitted and allowed, and they are hereby permitted and allowed, to convey or devise the same to their child or children, grand-child or grand-children, notwithstanding such child or children, grand-child or grand-children, was or were born previously to the said persons conveying or devising the same, having acquired titles thereto under the terms of this Act; and in case the person or persons holding real property as aforesaid shall not alien or devise the same, then, that it shall be divided and distributed among his, her or their relations, agreeably to the Act of the General Assembly entitled "An Act for the abolition of the rights of primogeniture, for the giving an equitable distribution of the real estates of intestates, and for other purposes therein mentioned," passed on the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and the Acts amendatory thereof; any law, usage or custom to the contrary thereof in any wise notwithstanding: Provided nevertheless, that the said child or children, grand-child or children, to whom conveyances or devises as aforesaid may be made, and also the relations entitled as aforesaid to distributive proportions of the real property of those who have not aliened or devised their real property, shall

Persons holding property under the provisions of this Act, allowed to convey or devise the same.

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become a resident or residents in this State, within twelve months after the date of the conveyances made unto him, her or them, or of the decease of the person or persons devising the same, or dying intestate as to such real property, and also becoming a citizen or citizens of this State within as short a period as he, she or they shall be enabled to become so under the existing laws.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and in the thirty-second year of the Sovereignty and Independence of the United States of America.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1906. AN ACT AUTHORIZING THE TRUSTEES OF THE NEWBERRY ACADEMY, AND THE INDEPENDENT CONGREGATION OF BEAUFORT, TO RAISE SUMS OF MONEY BY WAY OF LOTTERY.

Preamble

WHEREAS, a memorial hath been presented by the Trustees of the Newberry Academy, praying to be authorized to raise a certain sum of money by way of lottery, for the support and advancement of the same :

The trustees of the Newberry Academy authorised to raise a sum of money by lottery.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the trustees of the said academy, or their successors in office, be, and are hereby, authorized and empowered to raise a sum of money by lottery or lotteries, whereof the nett proceeds shall not exceed the sum of three thousand dollars.

Managers of the said lottery appointed.

II. *And be it further enacted* by the authority aforesaid, That Frederick Nance, Frederick Gray, William Calmes, Benjamin Long, Walter Goodman, Jos. Goodman, Major J. Hampton, John M'Morris, Samuel Lindsay, Francis Higgins and James Dyson, shall be, and are hereby nominated and appointed, managers of the said lottery or lotteries, by the said trustees to be raised for the purposes aforesaid ; and that they, the said managers, or a majority of them, be, and are hereby, authorized and empowered to manage and conduct the said lottery or lotteries as they shall think most expedient and advisable for the benefit and advancement of the said institution.

Independent Congregation of Beaufort authorized to raise money by lottery.

III. And whereas, the Independent Congregation of Beaufort have, by their petition to the Legislature, set forth and shewn their inability to carry into complete operation a religious establishment lately set on foot by them, and praying for their aid to enable them to raise a sum of money by means of a lottery ; *Be it therefore enacted* by the authority aforesaid, That the said Independent Congregation of Beaufort shall be, and they are hereby, authorized and empowered to raise, by means of lottery or lotteries, to be conducted in any manner which the said congregation, or a majority of them, may think most adviseable, a sum of money not exceeding three thousand eight hundred dollars, to be applied to the use and benefit of the said Independent Congregation of Beaufort.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America the thirty-second.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

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AN ACT for the establishment of Roads, Bridges and Ferries; and for other purposes therein mentioned. No. 1907.

(Passed December 19, 1807. See last volume.)

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVEN; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1908.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof.

II. *And be it enacted* by the authority aforesaid, That twenty-five cents per centum ad valorem be paid in specie or paper medium on all lands granted within this State, under the several regulations herein-after mentioned. Class No. 1 shall contain all tide swamp of the first quality, not generally affected by the salts or freshes, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by the salts or freshes, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshes, which shall be rated at eight and one half dollars per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight and one half dollars per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; pine barren lands, adjoining or contiguous thereto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality to be rated at thirteen dollars per acre; the second quality at eight and one half dollars per acre; the third quality at four dollars per acre; excepting such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamps and low grounds, lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands lying on the Sea islands, (Stann's island included,) Rate of taxation on lands.

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or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford, and the new boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one dollar and one half dollar per acre; and the second quality at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality at sixty cents per acre; and the third quality at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

Rate of taxing
slaves, &c.

III. *And be it enacted* by the authority aforesaid, That fifty cents per head shall be levied upon all slaves; and the sum of two dollars per head on all free negroes, mulattoes, and mestizoes, between the ages of fifteen and fifty; and twenty-five cents ad valorem on every hundred dollars of the value of all lands and lots and buildings within any city, village, or borough; and fifty cents per centum on all stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium or specie.

Slaves employ-
ed on Indian
lands.

IV. *And be it enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property of the estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, or the Fellowship Society, or of the estate of the late Doctor De la Howe, devised for charitable purposes, and that part of the estate of the late Thomas Wadsworth which was devised for the establishment of a school, or the Clarendon, or the High Hills of Santee, or the Camden Orphan Societies, or the Columbia Academy, or the lands and funds owned by the Free School of Dorchester, or the public lands held by the corporation of Charleston, or of the lands and funds of any society applicable to the education or maintenance of public schools; but that no houses owned or erected on the same by any private individuals, shall be exempted from paying taxes thereon, according to their full value, to be rated by the assessor or assessors in the respective collection districts.

Absentees dou-
ble taxed.

V. *And be it further enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a double tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any

young man sent abroad for his education, until he attains the age of twenty-three years ; or to the property of any person now absent from the United States, unless such person has been absent for one year.

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VI. *And be it further enacted* by the authority aforesaid, That the tax collectors throughout this State shall receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance in gold or silver at the bank of the United States, the branch bank thereof in Charleston, the bank of South Carolina, the State Bank, or certain certificates for the pay of the members of the Legislature, or the Solicitors, for their attendance on the Legislature.

What shall be received for taxes.

VII. *And be it further enacted* by the authority aforesaid, That each and every enquirer, assessor and collector shall, on their enquiry for their return of taxes of this State for the year one thousand eight hundred and seven, administer the following oath to all such persons as shall be liable to pay any of the said taxes, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that the account which I now give in is a just and true account of the quality and quantity of the lands, and the number of slaves, on the first day of October, one thousand eight hundred and seven, in any manner whatsoever, which I was possessed of, interested in, or entitled to, either in my own right or in the right of any other person whomsoever, either as guardian, executor, agent, attorney, trustee, or in any manner whatsoever, according to the best of my knowledge and belief; and that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked me touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever." And upon the principal sum of every sum or sums of interest money actually received, over and above what each person pays on account of interest, the said assessor, enquirer or collector, or assessors, enquirers or collectors, to whom the same shall be returned, shall assess the sum of twelve and one half cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportionable sum on all other sums of money drawing less or more than seven per cent; to be recovered in like manner, in case of default, as the collectors are authorized by law heretofore to do on their returns of lands or slaves.

Returns of all property to be made on oath.

Tax on money at interest.

VIII. *And be it enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, they shall be liable to and suffer the same forfeitures and pay the same penalties as are authorized by law in case of their refusing or neglecting to make a return of his, her or their lands or slaves.

Property not returned.

IX. *And be it enacted* by the authority aforesaid, That the instalments on the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid as directed by an Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and nine. Provided, that no person shall be entitled to the benefit of this clause who shall not give additional security to the treasurer in Charleston, in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which may be made in paying the interest to grow due on the first day of March next.

Time of payment of the paper medium.

X. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish

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Copies of this Act to be furnished.

copies of this Act, and of the Act supplementary to an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," to each of the collectors appointed by law throughout this State, who have not yet been furnished with such supplementary Act, within one month after passing this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

Sale of lands postponed.

XI. *And be it enacted* by the authority aforesaid, That the Comptroller be, and he is hereby, required to postpone making sale of all lands directed to be sold by the twenty-third clause of an Act entitled "An Act supplementary to an Act entitled an Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," until the first day of January, one thousand eight hundred and nine.

Times for making returns and paying taxes.

XII. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, all persons liable to pay any taxes hereafter to be imposed by any law of this State, shall, on or before the first day of February in each and every year, give in a just and true return of all slaves, and of the quality and quantity of all lands, and monies at interest, as may be directed and required by the said laws, which they may hold or be entitled unto, in his, her or their own right, or the right of any other person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever; and shall, on or before the first day of May ensuing, pay their taxes to the collector of that collection district where the party making such return, either by himself, his or her family, may reside the greater part of the year. And that the said assessors or collectors shall annually pay the same, and settle their accounts with the treasurer, on the first day of June next ensuing, so far as relates to the tax collectors of the lower division of the treasury.

Mortgaged lands bought in on account of the State to be sold.

XIII. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums borrowed by them, and sales have been made of the lands mortgaged to secure the said loan, and the treasurers have bought in the said lands for defect of bidders, and the same remain as the property of the State, unproductive; and in other cases the property so sold has been purchased in by the mortgagors and others, who have not complied with the terms or conditions of the said sales; *Be it therefore enacted* by the authority aforesaid, That the treasurers aforesaid shall be, and they are hereby, authorized and directed to cause all the lands bought in as aforesaid on account of the State, and all lands purchased in by the mortgagors or other persons whomsoever who have not complied with the conditions of the former sales of the said property, to be put up to sale, in the different districts in which they severally lie, by the sheriffs of the said districts, on a public sale day, after giving three months notice thereof, and shall sell the same to the highest bidder, who shall pay one fourth of the purchase money in cash, and the remaining three fourths in one and two years; for the performance of which he shall give his bond and a mortgage of the premises, and also personal security, to be approved of by the sheriff and three commissioners, residing in such districts, to be nominated by the treasurer. Provided, that no sale of the mortgaged lands shall take place when any person interested in the same shall, previously to the day of sale, tender one third part of the sum due, together with the expenses incurred.

Proviso.

Terms of such sales.

XIV. *And be it enacted* by the authority aforesaid, That on all sales made in pursuance of the next preceding clause, and under the authority thereof, the purchaser shall, immediately after the said property shall be

knocked off to him, pay into the hands of the sheriff making the said sale a sum which shall at least be equal to ten per cent. upon the amount of his purchase, towards the payment thereof; and if he should fail or neglect to make such payment, the sheriff shall immediately set up the same property for public sale, upon the spot; and shall not, upon such re-sale, or any other sale of the same property made by virtue of this Act, receive the bid of the first purchaser or his agent. And that the sheriff shall, in all his advertisements of the property sold by virtue of this Act, on account of the paper medium loan, give notice that he will require the payment of the said ten per cent.; to the end that no persons inclined to purchase at the said sales may be ignorant thereof.

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XV. *And be it further enacted* by the authority aforesaid, That if any purchaser, after paying the percentage aforesaid, shall fail or neglect to comply with the terms of the sale, all money so paid shall be forfeited to the State; and shall be applied first to pay the costs and charges accrued or due upon the said sale, and the surplus, if any, shall be paid into the treasury of this State, in aid of the revenue thereof.

Forfeiture on
not comply-
ing with
the terms of
such sales.

XVI. *And be it further enacted* by the authority aforesaid, That if any person shall at any re-sale made by the sheriff on account of the first or any former purchaser having failed or neglected to pay the percentage aforesaid, or to comply with the terms and conditions of the sale, such purchaser shall himself be bound by his purchase, and shall comply with this act, and the terms and conditions of such re-sale, and shall not be allowed to say, set up, or pretend, that he bought the same as agent for the first or any former purchaser. Provided always, that it shall be publicly proclaimed by the crier at such sale, that the same was to be on account and risque of the first or some former purchaser; and that the conditions and terms of the sale shall, in like manner, be proclaimed by him immediately before the property is set up.

Terms of sale
when lands
are re-sold.

XVII. *And be it enacted* by the authority aforesaid, That in case of any re-sale made under the authority of the preceding clauses of this Act, on account or by reason of the non-payment of the ten per cent. hereby required to be paid, or on account of the non-compliance with the conditions and terms herein before prescribed, the person or persons for whose default the said re-sale shall be made, shall be, and he, she and they is and are hereby declared, liable for any deficiency which may happen between the first and any other subsequent sale of the said property; and the treasurers are hereby authorized and directed to commence suits for the recovery of any such deficiency.

Defaulters lia-
ble for any
deficiency by
such sales.

XVIII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the tax collectors of this State to make, on the first Monday in September next, to the commissioners of the poor, in the parish or district in which any poor tax shall be by the said tax collectors respectively collected, a return of such poor tax, in like manner as they make their returns of the public tax to the treasurers of this State. And it shall also be the duty of the said tax collectors to make a duplicate return to the comptroller general of the amount of the tax so collected and paid to the commissioners.

Poor tax.

XIX. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed annually to call on the treasurer of the City Council of Charleston to render an account on oath to him of the application of such monies as are appropriated for the support of the transient poor, and for other purposes; and that the account so rendered be laid before the Legislature.

Transient
poor fund of
Charleston.

XX. *And be it enacted* by the authority aforesaid, That the several

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Tax collectors
to return prop-
erty lying in
other divisions,
for which taxes
are paid them.

tax collectors in each fiscal division of the State shall exhibit, in some column of his return, the number of acres of land lying within their respective divisions, and the number of acres lying elsewhere, and for which taxes shall be paid them; in like manner they shall exhibit in other columns the number of negroes within their divisions, and of those elsewhere, and where, on which taxes shall be paid them; and in other separate columns exhibit the amount of taxes in their respective divisions, on every different article taxed by law; and the treasurers of each division, and the comptroller, shall preserve these columns in their aggregate of taxes to be laid before the next Assembly.

Taxes in the
fork of Edisto.

XXI. *And be it further enacted* by the authority aforesaid, That the inhabitants of the fork of Edisto shall henceforth pay their taxes to the tax-collector of Orange Parish, whose power and authority shall extend hereafter throughout the fork, up to the lower line of Edgefield district.

Return to be
made by tax
collectors.

XXII. *And be it enacted* by the authority aforesaid, That the tax collector for the parishes of St. Philip's and St. Michael's, Charleston, shall, on the first Monday in the months of April, May and June, in each and every year, make the following return to the treasurer of the lower division, to wit: "I, A. B. do solemnly swear (or affirm) that the sum of ——— dollars, by me now paid, is all the money which I have received on account of the general tax, since my last return." And on the first Monday in July, in each and every year, the said tax collector for St. Philip's and St. Michael's, Charleston, and each and every tax collector in the upper division of the treasury of this State, and on the first Monday in June, in each and every year, each and every tax collector in the lower division of the treasury of this State, shall completely and finally close their several and respective returns, by paying over the full balance which may have been received by them, producing to the treasurer of the said upper and lower divisions of the treasury of this State, respectively, the sheriff's receipts for all executions lodged by them against defaulters; and if the sheriff's receipt, so produced, shall not satisfactorily account for the full balance due on the said return, then, and in such case, the treasurers in each division respectively, shall be, and they are hereby, directed to enforce the means pointed out by the Act entitled "An Act declaring the duties and powers of the enquirers and assessors of taxes, and other persons concerned therein," passed in the year of our Lord one thousand seven hundred and eighty-eight. And the said several tax collectors, upon closing their said returns, shall respectively take the following oath or affirmation, to wit: "I, A. B., do solemnly swear (or affirm) that the return I now make is a just and true return of all the taxable property made for the collection district of ———, and that the sum of ——— dollars, by me now paid, is the whole of the monies I have received for the general taxes of the said district, since my last return;" and which said oath or affirmation the treasurer shall impose, and cause to be endorsed on the said return.

Oath to be
taken by the
collectors.

Persons selling
taxable prop-
erty required to
make a return
thereof.

XXIII. *And be it enacted* by the authority aforesaid, That every person liable to pay the tax hereby imposed, and who is required to make a return by the preceding clause of this Act, shall, in his or her said return, particularly account for any property by him or her sold since the return of the preceding year, by stating whether the same was sold by him or her before or subsequent to the first of October, then next preceding, and to whom, that the comptroller-general, by an examination thereof, may be enabled to ascertain whether the tax due thereon has been paid; and in case any person shall fail or neglect so to do, he, she or they shall be liable for a double tax thereon, in the same manner as he, she or they would have been, had he, she or they not disposed themselves thereof.

XXIV. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed, annually, to call on the several boards of commissioners of public buildings, and boards of commissioners for clearing, opening and rendering navigable the several rivers and creeks in this State, to render an account, on oath, to him, of the application of such monies as are appropriated for the erection of public buildings, or the clearing, opening and rendering navigable the rivers and creeks of this State; and that the accounts so rendered be laid before the legislature.

A. D. 1867.

Commissioners of public buildings and inland navigation to account to the Comptroller.

XXV. Whereas, the fifth clause of the Act entitled "An Act respecting slaves, free negroes, mulattoes, and mestizoes, for enforcing the more punctual performance of patrol duty, and to impose certain restrictions on the emancipation of slaves," passed 20th December, 1800, which imposes a penalty or tax of one hundred dollars on every owner of a settled plantation containing more than ten workers, who does not reside or keep thereon a white man or overseer capable of doing patrol duty, is, in its operation, unequal and unjust: for remedy whereof, *Be it enacted* by the authority aforesaid, That from and after the first of January next, it shall be the duty of every owner of a settled plantation, having thereon thirty slaves, either to reside thereon six months in every year, or to keep thereon a white man or overseer, capable of doing patrol duty; and in case such owner or owners neglect or fail to reside thereon as aforesaid, or to keep such white man or overseer on such plantation for nine months in each year, he, she or they shall be liable to the tax or penalty herein imposed, that is to say: for every plantation containing or having thirty slaves, upon which the owner does not reside six months in the year as aforesaid, or have a white man or overseer capable of doing patrol duty, he or she shall be liable to and pay the tax or penalty hereinafter mentioned: for every plantation having thirty slaves thereon, without such residence or overseer as aforesaid, thirty dollars: for every plantation having more than thirty slaves thereon, without such residence or overseer as aforesaid, in addition to the thirty dollars aforesaid, one dollar per head on each and every negro or slave exceeding that number.

Tax on plantations with more than 30 slaves, and without an overseer.

XXVI. *And be it enacted* by the authority aforesaid, That it shall be the duty of the several tax collectors throughout this State to administer the following oath to every person who shall make a return of more than thirty slaves: "I, A B, do solemnly swear (or affirm, as the case may be,) that I am not liable to pay the penalty hereby imposed for not having an overseer, or residing on my plantation, as required by this Act: so help me God." And in case any person or persons, returning more than thirty slaves, shall refuse to take the said oath, he, she or they shall be liable to the penalty hereby imposed for every slave by him returned exceeding the number of thirty.

Oath to be taken by those who return more than 30 slaves.

XXVII. *And be it enacted* by the authority aforesaid, That the fifth clause of the Act entitled "An Act respecting slaves, mulattoes and mestizoes, for enforcing the more punctual performance of patrol duty, and to impose certain restrictions on the emancipation of slaves," passed the twentieth day of December, in the year of our Lord one thousand eight hundred, which imposes a penalty or tax of one hundred dollars on every owner of a settled plantation containing more than ten workers, who does not reside or keep thereon a white man or overseer capable of doing patrol duty, be, and the same is hereby, repealed.

Part of a former Act repealed.

XXVIII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to subscribe on loan to the United States, under the Act of Congress of the eleventh of Feb-

A. D. 1807.

Comptroller
authorized to
subscribe on
loan to the
United States.

ruary, in the year of our Lord one thousand eight hundred and seven, the certificate of the United States three per cent. stock, which this State holds, amounting to two hundred and forty-one thousand one hundred and ninety-five dollars and sixty cents; and to receive from the said loan office in exchange therefor, a certificate of six per cent. stock, for one hundred and fifty-six thousand seven hundred and seventy-six dollars and seventy-five cents.

Registered
debt.

XXIX. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, authorized to draw his warrant on the treasury for the sums subscribed on the last register, as reported by him, amounting to eighteen thousand eight hundred and ninety-four dollars and fifty-one cents, with one half of the interest, calculated to the time of paying the same, on receiving the evidences of the said debt which shall be cancelled.

Bonds and
mortgages of
certain insol-
vent estates, to
be given up to
creditors.

XXX. Whereas, there are in the treasury of this State many bonds, secured by mortgages, belonging to confiscated estates, which estates are notoriously insolvent, and unequal to the payment of the certificates which have been issued to the creditors thereof; and it is not reasonable that the State should have the trouble and be at the expense of collecting the said debts, when they cannot derive any benefit therefrom: *Be it therefore enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, authorized, with the sanction of the standing committee of the legislature, to release and deliver over to the largest creditor, or to such one as may be chosen by a majority of the creditors, in trust for the rest, all the right, title and interest which the State has or claims in or to the said bonds and mortgages on such insolvent estates aforesaid, taking from such creditor, to whom the same may be delivered, a bond, with sufficient security, to divide and distribute all the funds which he may receive from the bonds and mortgages delivered by virtue of this Act, among all the creditors of such estate, in proportion to the amount of their several claims. Provided, that the creditors of such insolvent estates shall release and discharge the State from all liability to pay any sum or sums of money which may be due on the certificates issued to such creditors, after the sale of such property.

J. Moore re-
quired to give
security as tax
collector for
Edgefield dis-
trict.

XXXI. Whereas, Samuel Mays has, by petition, prayed to be relieved as the security of Jonathan Moore, tax collector for Edgefield district; *Be it therefore enacted* by the authority aforesaid, That the said Jonathan Moore, on or before the first day of March next, shall be bound, and he is hereby required, to give bond and sufficient security, to be approved of as by law directed, for his future faithful performance of the duty of tax collector for Edgefield district aforesaid; and in case he shall neglect or refuse to give such bond and security as aforesaid, that the Governor for the time being shall have power and authority, and he is hereby required and directed, to appoint another tax collector for the said district of Edgefield; and the bond heretofore given by the said Jonathan Moore, as tax collector aforesaid, shall be, and is hereby declared to be, null and void in law, save and except as a security or indemnity to the State for all monies heretofore received by the said Jonathan Moore, as tax collector aforesaid; and that on the comptroller general being satisfied that all arrears for taxes heretofore received by the said Jonathan Moore have been or shall be fully paid, that then, and not before, he shall cause the bond to which the said Samuel Mays is security as aforesaid, to be cancelled.

XXXII. Whereas, the representatives of Charles Palmer have petitioned that he, the said Charles Palmer, and his heirs, executors and adminis-

trators, be relieved as security of Thomas G. Scott, tax collector of Prince William's parish: *Be it therefore enacted*, by the authority aforesaid, That the said Thomas G. Scott, on or before the first day of March next, shall be bound, and he is hereby required, to give bond and sufficient security, to be approved of as by law directed, for his future faithful performance of the duty of tax collector for Prince William's aforesaid; and in case he should neglect or refuse to give such bond and security as aforesaid, that the Governor for the time being shall have power and authority, and he is hereby required and directed, to appoint another tax collector for the said parish of Prince William's; and the bond heretofore given by the said Thomas G. Scott, as tax collector aforesaid, shall be, and is hereby declared to be, null and void in law, save and except as a security or indemnity to the State for all monies heretofore received by the said Thomas G. Scott, as tax collector aforesaid; and the comptroller general, being satisfied that all arrears for taxes heretofore received by the said Thomas G. Scott have been or shall be fully paid, that then, and not before, he shall cause the bond to which the said Charles Palmer is security as aforesaid, to be cancelled.

A. D. 1807.

T. G. Scott
required to
give security
as tax collector
for Prince
Williams.

XXXIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the commissioners of the poor in the several districts and parishes within this State, unless otherwise directed by law, to render to the several boards of commissioners of roads, in their respective districts or parishes, on the first Monday of April in every year, a correct account of all monies received by them for the use of the poor, and the manner in which the same has been applied; and it shall be the duty of the said several boards of commissioners of the roads to cause such accounts to be published in their respective districts or parishes, for the information of the citizens.

Commissioners
of the poor to
account to the
commissioners
of roads.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America the thirty-second.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVEN. No. 1909.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of public officers, and other expenses and purposes of government.

Appropriations

For the salary of the Governor, two thousand five hundred and seventy-two dollars.

For the salary of the Secretary of the Governor, four hundred and thirty-two dollars.

For the salaries of six Judges of the courts of common pleas, each two thousand five hundred and seventy-two dollars—in the whole, fifteen thousand four hundred and thirty-two dollars.

For the salaries of three Judges of the Court of Equity, each two

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thousand one hundred and forty-four dollars—in the whole, six thousand four hundred and thirty-two dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full recompense for the discharge of all public duties incident to his office, as Attorney General, one thousand dollars.

For the salaries of four Circuit Solicitors, each, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, five hundred dollars—in the whole, two thousand dollars.

For the salary of the Comptroller-general, two thousand and five hundred dollars.

For the salaries of the Comptroller-general's clerks, and the stationary requisite for his office, one thousand six hundred dollars.

For the salary of the Treasurer of Charleston, as Treasurer, and for transacting the business of the Loan Office, and Clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salary of the Clerk of the Senate, and the Clerk's salary of the House of Representatives, each twelve hundred and thirty dollars; in the whole, two thousand four hundred and sixty dollars.

As a compensation for the Clerk of the Court at Columbia, one hundred and forty dollars.

As a compensation for the Clerk of the Court at Charleston, one hundred and forty dollars.

As a compensation for the Sheriff of Richland district, for attending the Constitutional Court at Columbia, fifty dollars.

As a compensation for the Sheriff of Charleston district, for attending the Constitutional Court at Charleston, fifty dollars.

For the keeper of the State House at Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, fifteen hundred dollars.

For the salaries of nine Brigade Inspectors, each two hundred and sixteen dollars—in the whole, one thousand nine hundred and forty-four dollars.

As a compensation for the Arsenal keeper and powder receiver, in the city of Charleston, three hundred dollars.

As a compensation for the Arsenal keeper and powder receivers for Abbeville, Camden, Georgetown and Beaufort, each fifty dollars—in the whole, two hundred dollars.

For the salary of the Port Physician of Charleston, six hundred dollars.

For the contracts of the State Printer, a sum not exceeding one thousand one hundred and fifty-eight dollars.

As a compensation for the Pilot for the bar and harbour of Georgetown, three hundred and twenty-two dollars.

As a compensation for the pilot for the bar and harbor of Beaufort, three hundred and twenty-two dollars.

For Annuities, six thousand five hundred dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary of the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

For the expenses of carrying into effect the Quarantine Law, one thousand dollars.

As a contingent fund subject to the Governor's draft, he submitting an annual account of the expenditure thereof, six thousand dollars. A. D. 1807.

For the expenses of the Members of the Legislature at the present session, and pay of the Solicitors for their attendance, thirteen thousand and five hundred dollars—if so much be necessary.

As compensation for two Doorkeepers to the Legislature, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars. And as a compensation for two Messengers, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars; to be paid at the adjournment of the legislature.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

For aid in supporting the transient poor in Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller, and by him submitted to the legislature.

For the discharge of the contingent expenses of the upper division, a sum not exceeding four thousand four hundred and seventy-seven dollars and seventy-eight cents.

For the discharge of the contingent expenses of the lower division, five thousand seven hundred and eighty-seven dollars and eighty-two cents.

For the City Guard, payable to the City Council of Charleston, four thousand dollars.

II. *And be it further enacted* by the authority aforesaid, That the pay hereinafter to be provided for the support and maintenance of the magazine guard, shall be restricted to that of an officer, sergeant and six men; and that the sum of two thousand and two hundred dollars be appropriated for the payment of the said guard, under the direction of the comptroller general. Magazine Guard.

III. *And be it further enacted* by the authority aforesaid, That the treasurer of the lower division of the treasury, under the direction of the comptroller general, and in his presence and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, and any three of the Judges of the Courts of Law or Equity, or in the presence of a majority of the persons above named, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State, now in the treasury, or that may be received previous to the next sitting of the Legislature, provided the same shall not exceed the sum of two thousand and sixty-one dollars and forty-three cents, to be burnt; and to report to the Legislature the amount of the medium which may be burnt. Paper medium to be burnt.

IV. *And be it enacted* by the authority aforesaid, That the balance of the interest which shall hereafter remain to this State on the debt due by the United States, after paying the interest due on the funded debt of this State, and the amount of the principal which may be paid on the principal of the debt due to this State by the United States, shall be, and the same is hereby, appropriated to the purchase or redemption of the funded debt of this State, by the treasurer of the lower division, under the direction of the comptroller general and the standing committee of the legislature. Funded debt to be bought up.

V. *And be it further enacted* by the authority aforesaid, That the treasurer, on receiving any monies from the tax collector, or any other person of this State, shall give him or her two receipts for the same; and in case Treasurer to give two receipts.

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any treasurer shall neglect to furnish such person with two receipts as aforesaid, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, to be recovered, in any court having jurisdiction thereof, by the comptroller general.

Standing committee.

VI. *And be it further enacted* by the authority aforesaid, That the following persons be, and they are hereby appointed, a standing committee to carry into execution the provisions of this Act, referred to them, viz : John Ward, John Blake, John Drayton, John Dawson, Jr., Henry Deas, and William Lee.

Salaries of two tutors in the college.

VII. *And be it further enacted* by the authority aforesaid, That the sum of twelve hundred dollars be annually appropriated for the salaries of two tutors in the South Carolina College ; and that the trustees of the college be authorized to appoint such tutors.

Thomas Lee, Esq. Comptroller-general, for his expenses in prosecuting the suit against Benjamin Waring, ninety-one dollars and fifty-three cents. Evander M'Iver, clerk of the court of Darlington district, one hundred and eighty-eight dollars, fifty-five cents.

N. & J. Center, for two hundred and ninety-eight acres of land, taken into the town of Columbia from the estate of Nathan Center, three thousand and fifty-five dollars and forty cents, being the amount of valuation ; and eight hundred and seventy five dollars and forty-eight cents, interest thereon, in the whole, three thousand nine hundred and thirty dollars, eighty-eight cents.

Executors of Judith Becoat, for a negro executed, one hundred and twenty-two dollars, forty-three cents.

James M'Dowell, as compensation for interest upon three thousand pounds, the balance of the debt due to him by the State, allowed to him in the year 1791, for the payment of which an appropriation was then made, but of which payment was not made until several years afterwards, two thousand three hundred and fourteen dollars, thirty-seven and a half cents.

Executors of Philemon B. Waters, as provided for by resolution of the Legislature, forty-seven dollars, forty-seven cents.

John Ward, as provided for by resolution, five hundred and twenty-two dollars, eighty-nine cents.

John Blake, as provided for by resolution, one thousand and forty dollars, ninety-seven cents.

Abraham Livingston, for pay due him in state troops, and provided for by resolution, five hundred and sixty-four dollars, fifty cents.

John M'Creary, sheriff of Chester district, agreeable to resolution, two hundred and eighty-eight dollars, eighty-five cents.

Balance due on contracts of the Governor for national defence, agreeable to resolution, two thousand five hundred and thirty-two dollars.

VIII. *And whereas*, James B. Richardson, Esquire, executor of the last will and testament of James Sinclair, deceased, hath petitioned the Legislature that certificates may issue for certain funded stock of this State, whereof the said James Sinclair, in his life time, was possessed, in lieu of the original certificates for the same, which are lost ; *Be it therefore enacted* by the authority aforesaid, That the treasurer of the lower division be, and he is hereby, authorized and required to issue to the said James B. Richardson certificates of the funded stock of this State, for the amount of the said funded stock, to which it shall appear from the books of the treasury that the said James Sinclair, in his life time, was entitled, in lieu of the original certificates thereof, said to be lost ; Provided, that the said James B. Richardson give bond and security to the treasurer of the state aforesaid, (to be approved of by the comptroller,) in double the amount

Certificates to issue to J. B. Richardson.

thereof, to indemnify the State against the same. As an indemnification to William M'Cants, for a negro killed while working on the public road, four hundred dollars.

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For the Rev. Mr. Reid, and the Rev. Mr. Brantley, for performing divine service during the session of the Legislature, one hundred dollars each; in the whole, two hundred dollars.

For enlarging the magazine on Charleston neck, a sum not exceeding two thousand dollars.

William Vitch, trustee of Mrs. Ann Buyck, for amount of verdict, one thousand and fifty dollars, with interest from the 7th of March, 1806, and costs.

For payment of registered claims, by virtue of an Act entitled "An Act to raise supplies for the year 1806," eighteen thousand eight hundred and ninety-four dollars and fifty-one cents, with one half of the interest calculated thereon to the time of paying the same.

For repairing the gaol of Colleton district, one thousand dollars.

The honorable Elihu Hall Bay, as compensation for the trouble and expense attending the publication of his reports, twelve hundred dollars.

John Burns, for a negro executed, one hundred and twenty-two dollars, forty-three cents.

John Sollee, for the use of his room, and furnishing wood and candles for a detachment of infantry and artillery, fifty dollars.

Mr. Chancoine, or his successor in office, provided the said Mr. Chancoine, or his successor in office, shall be, in the opinion of the attorney-general, duly authorized as the agent of the French government, to receive the same, and to give a satisfactory release and acquittance therefor, two hundred and twenty-four thousand livres, with one year's interest thereon, equal to forty-five thousand two hundred and twenty-six dollars, sixty-six cents, to be paid out of the six per cent. purchased for that purpose, being that part of the Luxemburg debt claimed by the French government, by the imperial decree of the 18th Brumaire, an treize.

IX. *And be it further enacted* by the authority aforesaid, That the balance due by this State of the sum liquidated by their resolutions of the 11th and 21st March 1786, after deducting the payments of one hundred and ninety-one pounds, three shillings and ten pence, paid on the 17th December, 1788, and the further payment of one thousand pounds to J. B. Cutting, as administrator of the Prince of Luxemburg, and also the sum of forty-five thousand two hundred and twenty-six dollars, sixty-six cents, herein before directed to be paid to the agent of the French government, out of the stock above named, be paid to such person as shall, at the time of payment, be, in the opinion of the attorney-general, the lawful and regular administrator of the estate of the Prince of Luxemburg, according to the laws of this State: Provided the same shall not be paid before the first of March next.

Settlement of
the Luxemburg
debt.

X. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the attorney-general, as soon as shall be conveniently practicable, to file a bill of interpleader in the court of equity of this State, in which he shall make defendants all such persons as shall state and render their claims to the comptroller-general, on or before the first day of April next, claiming as or in right of the legionaries or other persons who were on board the frigate South Carolina, and whose claims shall be conflicting. But that in such suit it shall be indispensibly necessary to authorize a decree against the State in favor of either of the parties interpleaded, that such party shall not only have repelled the claim of his opponent, but shall also have established in himself a perfect right, according to the rules

Claims as to
the frigate S.
Carolina.

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of law and evidence; and that when a decree shall be given therein, in favor of any such claimants, the comptroller-general do draw his warrant on the treasury for the payment thereof.

XI. *And be it further enacted* by the authority aforesaid, That the comptroller general do order the payment of such sums as are due by the State to such other of the legionaries and other persons who were on board the said frigate while in the service of the State, or to their assignees or authorized agents; provided he shall be satisfied of the identity of the claimants, and of the authenticity and sufficiency of the assignments and powers exhibited by the assignees or attornies of such creditors of the State; and that in any case in which he shall see fit, he be authorized to institute or join in any suit or feigned issue, necessary or advisable to try the validity of any such claims, so that no future application to the legislature may be necessary; and if the claimant in any such suit or issue be successful therein, the comptroller general is hereby authorized to give him a warrant therefor.

Elizabeth Casey, administratrix, and Josias Duckett, administrator, of General Casey, for a mutilated three pound bill of the paper medium of this State, No. 18455, on production and delivery of the said bill, with the certificate of Thomas Jones that the same is genuine, twelve dollars, eighty-five cents.

William Henry Pledger, for a negro executed, one hundred and twenty-two dollars, forty-four cents.

Doctor John Hach, for attending, &c. John M'Cary, a State prisoner, nine dollars, seventy-five cents.

James Robinson, for guarding the gaol of Chester district, in November, 1801, eight dollars.

John Miller, for amount of pension allowed from the year one thousand seven hundred and eighty-six, to 1st January, 1808, four hundred and fifty dollars.

Benjamin Scott, for a negro executed, one hundred and twenty-two dollars, forty cents.

James Jamieson, for one year's pension, to 1st January, 1808, twenty-one dollars, forty-two cents.

Appropriation
for the pur-
chase of arms.

XII. *And be it further enacted* by the authority aforesaid, That the sum of sixty-five thousand dollars be, and the same is hereby, appropriated for the purchase of arms of an uniform calibre, for the militia of this State; and that the comptroller general, the treasurer of the lower division, and John Blake, be, and they hereby are, authorized and required to make the said purchases, preserving always as near as possible the proportion of one sabre and pair of pistols to ten muskets; and that they be, and hereby are, allowed a commission of one per cent. on the amount of purchases by them to be made, as a compensation for their services.

Said arms to be
distributed.

XIII. *And be it further enacted* by the authority aforesaid, That as soon as the said purchases are made the said arms shall be distributed amongst the several regiments of the State, in exact proportion to the number of effective men composing them; and the lieutenant-colonels of each regiment, on the receipt of said arms, shall give public notice, of twenty days at least, in as many different places of the regiment as there are companies composing it, that on a certain day, and at a particular place in the most central part of the said regiment, the said arms will be exposed to sale, for cash, at ten dollars, to any person enrolled and liable to do militia duty in the said regiment; and shall continue the sale thereof until the whole be disposed of; and the several lieutenant-colonels in the State shall, at least once in every year, render to the comptroller-general, on oath, a particular

account of all the cash received by them on the sale of the said arms, and pay the amount into the treasury; which money, when paid into the treasury, shall constitute a fund for further purchases of arms, to be made and be disposed of on the same terms as is hereby directed.

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XIV. *And be it further enacted* by the authority aforesaid, That as soon as the arms hereby directed to be purchased are received and exposed to sale by the lieutenant colonel of any regiment, any person entitled to vote for members of the legislature of this State, and liable to do militia duty in the said regiment, who shall attend any company, troop, battalion, squadron, or regimental muster, without the arms required by law for him to have, shall forfeit and pay a fine of one and a half dollar, for every such default, unless he shall swear, or otherwise make it appear, that all the arms allotted to that regiment have been sold, or shall swear that he is too poor to pay for such arms.

Persons appearing at muster without arms, to be fined.

XV. *And be it further enacted* by the authority aforesaid, That a sum not exceeding five thousand dollars be, and the same is hereby, appropriated for the purpose of mounting the heavy cannon, field pieces and howitzers, belonging to the State, and for repairing the carriages of such as require repairs: and that the Governor be, and hereby is, authorized to carry the same into effect.

Appropriation for mounting cannon.

XVI. *And be it further enacted*, That the sum of ten thousand dollars be, and the same is hereby, appropriated for the purpose of purchasing military stores; and that the comptroller, treasurer of the lower division, and J. Blake, be authorized to make such purchases.

Military stores.

For defraying the balance due for completing Lexington court-house and gaol, the sum of three hundred and fifty dollars.

For repairing and completing the South Carolina College, ten thousand dollars.

XVII. *And be it enacted* by the authority aforesaid, That in case a verdict shall be obtained in favor of Gabriel Manigault, in the suit directed between him and the State, it shall be the duty of the comptroller-general, and he is hereby directed, to issue his warrant upon the treasury of the lower division, in favor of Gabriel Manigault, for the amount of the value of his land, according to the valuation established for locating the district of Columbia, with interest from the time when the State took possession of said land.

Respecting G. Manigault.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, and of the Independence of the United States of America the thirty-second.

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE AND DIRECT THE TREASURERS TO RECEIVE THE PAY BILLS OF THE MEMBERS OF THE LEGISLATURE AND SOLICITORS FOR THE PRESENT SESSION, IN PAYMENT OF TAXES, OR TO PAY THE SAME OUT OF THE UNAPPROPRIATED MONIES IN THE TREASURY; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1910.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of

A. D. 1808. the same, That the President of the Senate and Speaker of the House of Representatives respectively, be, and they are hereby, authorized and required to sign, on behalf of the members in either house respectively, bills or warrants for the usual pay allowed to the members of the Legislature, and the solicitors for their attendance, at the present session; and that the treasurers be, and they are hereby, authorized and directed to receive the aforesaid drafts in payment of taxes, or to pay the same out of the unappropriated monies in the treasury.

Appropriations 11. *And be it further enacted* by the authority aforesaid, That the following appropriations be made :

For the Comptroller-general, as compensation for his travelling expenses and attendance during the present session, six dollars per diem.

For the Secretary of State, as compensation for his travelling expenses and attendance during the present session, six dollars per diem.

For the Clerk of each house, for their attendance during the present session, each three hundred dollars—in the whole, six hundred dollars.

For the Doorkeepers and Messengers for each house, for their attendance during the present session, each one hundred and eight dollars—in the whole, four hundred and thirty-two dollars.

For the keeper of the state house, sixty dollars.

For house rent for the Governor, one hundred dollars.

To the administrators of Judith Bedout, for a negro executed, one hundred and twenty-two dollars forty-three cents.

For repairing the jail of Richland district, eight hundred dollars; and that Benjamin Haile, William Taylor, Jr., and Daniel Faust, be managers of the same.

111. *Be it further enacted* by the authority aforesaid, That the sum of three hundred and forty dollars be paid to William Lloyd, for amount of arrears of pension from the year one thousand seven hundred and eighty-seven to the first day of January one thousand eight hundred and five.

To the state printers, in addition to the amount of the contract for printing during the present year, three hundred dollars.

William Lewis, for the amount paid by him in part of the purchase of six hundred and forty acres of land on Wateree creek, and the costs of suit in three actions, instituted for the purpose of establishing his title thereto under the State, two hundred and seventy-seven dollars and seventy-nine cents.

The Rev. Mr. Brantley, for performing divine service during the present session of the Legislature, twenty-five dollars.

For William Huggins, the sum of four hundred and fifty dollars, the amount of twenty-one years's pensions, from one thousand seven hundred and eighty-six, to one thousand eight hundred and eight.

For William Carter, the sum of two hundred and fifty-seven dollars fourteen cents, the amount of twelve years's pensions, from one thousand seven hundred and eighty-six, to one thousand seven hundred and ninety-eight.

In the Senate House, the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and eight, and of the Independence of the United States of America the thirty-second.

WM. SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A. D. 1808.

AN ACT for the better arrangement of the sittings of the Courts of Equity; for the establishment of Courts of Appeal for the same; and for other purposes therein mentioned. No. 1911.

(Passed December 15, 1808. See last volume.)

AN ACT AUTHORIZING THE MORE SPEEDY RECOVERY OF RENT; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1912.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all writs of *replevin* shall be returnable immediately; and it shall be the duty of the respective sheriffs, in whose offices they shall be lodged, to make return thereof, accordingly. Writs of replevin, how returnable.

II. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the plaintiff or plaintiffs in all actions of *replevin*, shall be bound to declare, within one month from the lodgment of the writ in the sheriff's office, without any rule or notice for that purpose; and on failure of the sheriff to make return thereof within the period aforesaid, the plaintiff or plaintiffs is or are hereby authorized to substitute the same as in cases of loss; and in case the said plaintiff or plaintiffs shall not declare within the period aforesaid, the defendant or defendants shall be at liberty to enter up judgment of *non pross*, and proceed as in such case is provided by law. Plaintiff to declare within one month.

III. *And be it further enacted* by the authority aforesaid, That all tenants, whether for life or years, by sufferance or at will, or persons coming in under or by collusion with them, who shall hold over after the legal determination of their estates, after demand made in writing for delivering possession thereof by the person having the reversion or remainder therein, or his agent, such tenant or other person holding over for the space of three months after such demand, shall forfeit double the value of the use of the premises, recoverable by action of debt or other legal action, or by distress, as in cases of rent reserved and payable quarter yearly. Penalty on tenants for continuing in possession for 3 months after demand is made.

IV. *And be it further enacted* by the authority aforesaid, That in case any tenant shall give notice in writing, of his intention to quit the premises, and shall not accordingly deliver up the possession at the time in such notice contained, the said tenant, his executors or administrators, shall pay to the landlord double the rent which he would otherwise have been liable to pay, which shall be recoverable in manner aforesaid. Provided nevertheless, that nothing herein contained shall be construed to give such tenant a right to discontinue or determine his tenancy by such notice, in any other manner than according to the laws heretofore existing. Penalty on tenants for not delivering possession according to notice.

V. *And be it further enacted* by the authority aforesaid, That in all cases of *replevin*, the security given by the plaintiff shall be bound and obliged, not only for the return of the goods distrained, but also in case the said goods shall be insufficient to satisfy the rent for which the distress is made, or in case the same shall be eloiigned, for the full amount of the rent for which the distress shall be made, and all costs of suit which may be The security given in cases of replevin, how bound.

A. D. 1808.

Repealing
clause.

adjudged against the plaintiff in the action ; and it shall be the duty of the sheriff executing the writ of *replevin*, to take bond and security according to law, for such amount as shall be sufficient to cover all such sums.

VI. *And be it further enacted* by the authority aforesaid, That all laws and parts of laws, and all usages and customs, repugnant hereto, be, and the same are hereby, repealed.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1913. *AN ACT* PROVIDING FOR CARRYING INTO OPERATION THE PROVISIONS OF AN ACT AMENDING THE CONSTITUTION, AND INTRODUCING A REFORM IN THE REPRESENTATION OF THIS STATE, PROPOSED BY THE LAST AND RATIFIED BY THE PRESENT LEGISLATURE.

Preamble. WHEREAS, certain provisions are found necessary in order to carry into effect the above Act:

How tax re-
turns are to be
made in future.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall be the duty of each and every person or persons, his, her or their agent or agents, in giving in his, her or their property, in their own right, or the right of those whom he, she or they may represent, both real and personal, which shall appear liable to pay a tax under the provisions of the Act to raise supplies for the year 1808, and of all succeeding tax Acts, to make his, her or their return or returns, on oath, to the tax collector of the parish, county or district, in which he, she or they usually reside ; and on oath to designate and specify for what particular and respective election district of this State each and every portion of his, her or their property, real or personal, liable to pay tax as aforesaid, is so returned ; and also to describe the quantity and quality of all lands, and the number of all negroes, so returned by him, her or them, in each particular and respective election district. And in case any person or persons liable to pay a tax as aforesaid shall refuse or neglect to give in his, her or their return, in manner and form as above required, then, and in that case, it shall be the duty of each and every tax collector of this State, and they are hereby required, to proceed against all such persons so refusing or neglecting, by a double tax.

Tax collectors
to make re-
turns to the
treasurers by
the first day of
June.

II. *And be it further enacted* by the authority aforesaid, That it shall be the duty of each and every tax collector in this State to collect, and on or before the first day of June next, to render in the returns of his collection district, to the treasurer of that division to which he belongs, taking care to specify and designate all the lands to them returned, which they, or the parties returning them, are incapable of attaching to any particular election district, so as to represent, under the head of undesignated property, all lands not sufficiently described.

III. *And be it further enacted* by the authority aforesaid, That the respective treasurers shall, in twenty days after receiving the returns of the

several tax collectors as aforesaid, pass over and transmit the same to the comptroller; and at the same time report to him the names of each and every tax collector who may fail in complying with the requisitions of this Act; and the comptroller shall forthwith commence and pursue such legal measures against all tax collectors who may be in default in making their returns to the treasurers as aforesaid, as will be best calculated to compel them to an immediate compliance with the duties imposed upon them by this Act.

A. D. 1808.

Treasurers to pass over and transmit said returns to the comptroller.

IV. *And be it further enacted* by the authority aforesaid, That the comptroller shall prepare, and at an early period of the next session of the Legislature, and at every subsequent session, present to them a correct and detailed statement of all the taxes, both real and personal, for which each of the respective election districts throughout this State shall be liable under the provisions of the Act to raise supplies for the year 1808, and under all subsequent tax Acts; and it shall be moreover the duty of the comptroller to furnish each and every tax collector throughout this State, at the public expense, with a sufficient number of printed blank returns prepared by him in conformity to the provisions of this Act; and an oath shall be administered by the respective treasurers to each and every tax collector, on each and every tax return made by him, confirming the truth of the same; and the respective treasurers shall indorse on each and every such return a certificate that such oath hath been duly administered and taken.

Comptroller to present a correct statement of taxes to the Legislature.

Collectors to be furnished with blank returns.

V. *And be it further enacted* by the authority aforesaid, That for the purpose of carrying into effect the provisions of the above mentioned Act, in regard to the taking the census of all free white inhabitants of this State, a fit and proper person shall be appointed by joint resolution of both branches of the Legislature, during the present session, in each and every circuit court district throughout this State, for taking the same; and in case any person appointed as above shall refuse to accept such appointment, or a vacancy shall happen in any appointment previously accepted, by death, resignation, or otherwise, the Governor for the time being shall forthwith appoint some fit and proper person to fill such vacancy; and it shall be the duty of each and every person so appointed to make a faithful, accurate and distinct census of all the free white inhabitants residing in each and every election district contained within the circuit court district for which he shall have been appointed, so far as the whole or any part of the several election districts shall be contained therein; and each and every person appointed as aforesaid shall, in making a return of the census he shall be appointed to take, designate and specify, on oath, (to be taken before and certified by a justice of the quorum,) the number of free white inhabitants residing in each and every election district, or part of an election district, contained in the circuit district for which he shall have been appointed.

Persons to be appointed to take the census.

VI. *And be it further enacted* by the authority aforesaid, That each and every person appointed as aforesaid to take the census in the several circuit court districts in this State, shall, on or before the first day of August next, deliver their several returns at the respective offices of the secretary of state, carefully sealed, certified and directed to his Excellency the Governor, to wit: those residing in the upper division of the State, at the office of the secretary of State in Columbia, and those residing in the lower division of the State, at the office of the secretary of state in Charleston.

Returns to be made by those who take the census.

VII. *And be it further enacted* by the authority aforesaid, That the Governor for the time being shall, as early as possible after the first day of August next, examine what returns have been made, and in case it shall

A. D. 1806.

The said returns to be examined by the Governor.

appear to him that any person or persons appointed to take the census aforesaid shall in any wise have failed in complying with the duties imposed upon him or them by this Act, either in taking the census or in making a return of the same, he shall forthwith cause the same to be taken and returned pursuant to the provisions of this Act, in every election district or districts where such defaults shall or may be made.

Those who take the census to be compensated therefor.

VIII. *And be it further enacted* by the authority aforesaid, That each and every person so appointed and employed, and who shall have completed the taking the census in the respective circuit court districts, shall receive a reasonable compensation therefor.

Oaths to be taken by those who take the census.

IX. *And be it further enacted* by the authority aforesaid, That each and every person appointed to take the said census, shall, before entering on the duties of his office, take, before some justice of the quorum, the following oath, to wit: I, "A. B. do solemnly swear, (or affirm, as the case may be,) that I will honestly, truly, faithfully and impartially, take a correct census of all the free white inhabitants residing within the — election district, or part of the — election district, contained within the — circuit court district: so help me God." And a certificate from the justice of the quorum who shall administer the said oath, that the same hath been duly taken before him, shall accompany, and be delivered in with, each and every return of the census.

Oaths to be endorsed on each return made.

X. *And be it enacted* by the authority aforesaid, That the following oath shall be taken before some justice of the quorum, and a certificate endorsed by the said justice on the back of the return from each election district, purporting that the said oath hath been duly taken before him, previously to such return being delivered in or received at the office of the secretary of state, either in Columbia or Charleston, to wit: "I, A. B. do swear, (or affirm, as the case may be,) that this packet contains a just, true, correct and impartial return of all the free white inhabitants residing in the — election district of —, and part of the — election district, contained within the — circuit court district, as taken by me: so help me God."

Oath to be taken by persons who receive returns from those who take the census.

XI. *And be it further enacted* by the authority aforesaid, That in case any person who shall or may be appointed under this Act, for taking the census in any part of this State, should, by sickness or other imperious and unavoidable cause, be prevented from delivering in, at the proper and respective office of the secretary of state, a return of the census so by him made, in manner and form as aforesaid, then, and in that case, he shall transmit, by some faithful and responsible person, the return of the census which he shall have taken in the election district for which he was appointed; and the person or persons by whom any returns as aforesaid may be transmitted, shall, on delivering the said return at the proper office of the secretary of State, take, before the secretary of state or his deputy, (as the case may be,) the following oath, to wit: "I, A. B. do swear, (or affirm, as the case may be,) that I received this sealed packet from the hands of C. D. and that the same hath not been opened, or in any wise altered, or out of my possession, since it was received by me: so help me God."

Heads of families to make returns on oath.

XII. *And be it further enacted* by the authority aforesaid, That each and every head or master of a family shall, when summoned thereto by the person appointed under this Act to take the census in his, her or their election district, make, on oath, a correct return of all and every free white person of which his family is composed, under the penalty of twenty dollars.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

A. D 1808.

No. 1914.

AN ACT TO AUTHORIZE THE CITIZENS OF THIS STATE, IN THE SEVERAL CIRCUIT DISTRICTS WITHIN THE SAME, TO ELICT, BY BALLOT, THE SHERIFFS WITHIN THEIR SEVERAL AND RESPECTIVE DISTRICTS.

Preamble.

WHEREAS, it would be conducive to the welfare of the citizens of this State, that in the several districts thereof the sheriffs should be elected by the people, whose knowledge of characters, and other local circumstances and advantages, would enable them to make proper choices for said office:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in future the sheriffs in the several circuit court districts within this State shall be elected by the citizens within the same; and for that purpose an election shall be held on the second Monday and the day following, in January next, and on the second Monday and the day following in January in every year thereafter, in such of the circuit court districts as there may then be vacancies; to be conducted in the same manner, by the same managers, and to be holden at the same places, as now are or hereafter shall be appointed by law for the conducting, managing and holding elections for members of the Legislature, to elect sheriffs for the several circuit court districts within this State, wherein any vacancy shall or may hereafter happen in the office of sheriff, occasioned either by death, removal out of the State, resignation, removal from or expiration of office, or otherwise, of any person possessing the same; and if any circuit court district shall include any part of an election district in which there is no place of election established, the persons in such election districts within the limits of such circuit court districts, shall and may vote at any place of election within the limits of such circuit court districts; and it shall be the duty of the said managers in the several circuit court districts wherein such election may be holden, to give twenty days notice thereof by advertising the same in the gazette, if any be printed in the district where such election is to be holden; and if no gazette be printed in such districts, then, by advertising the same on the court house door, and at five other public places within such district; and the said managers shall meet at the court house of the district where such election shall be holden, on the Thursday next after the election, to count over the votes, and declare the election of the person who shall have the greatest number of votes; and shall certify to the Governor such person elected, (unless such election shall be contested in manner hereafter mentioned;) and upon such certificate being produced, the Governor shall immediately thereon commission such person, upon his having first complied with all the requisitions now attached to the office of sheriff.

Sheriffs to be elected in future.

II. *And be it further enacted* by the authority aforesaid, That if any person shall be disposed to contest the election of any person so elected sheriff, he shall, on the day on which the votes are counted over and the election declared, signify such his intention in writing so to do, to the managers, and the grounds on which he intends to contest the same; and the said managers shall thereupon be, and they are hereby, authorized and empowered to proceed to hear and determine such contested election, upon the grounds so to them stated: Provided, that no manager shall be permitted to sit upon the hearing and determining any contested election wherein he may have been a candidate for the office of sheriff; and in case such election shall not be declared void, the said managers shall

How to proceed in cases of contested elections.

A. D. 1808.

certify to the Governor the person who is elected, who shall be commissioned in manner aforesaid.

Vacancies to
be filled by the
Governor.

III. *And be it further enacted* by the authority aforesaid, That the Governor shall have power, and he is hereby required, to fill up all vacancies in the office of sheriff, that shall take place by the death, resignation, removal out of the State, removal from or expiration of office, of any person possessing the same, or by any election of sheriff being declared void by the managers as aforesaid, or where any two or more candidates shall have an equal number of votes, to hold under such appointment until such time as an election shall take place according to the provisions of this Act.

What laws
shall apply to
the elections
to be held by
this Act.

IV. *And be it further enacted*, That all laws regulating the elections of members to the General Assembly shall apply to the elections by this Act prescribed to be held for the office of sheriff.

Sheriffs when
to enter on the
duties of their
offices.

V. *And be it enacted* by the authority aforesaid, That all sheriffs hereafter to be elected under and by virtue of this Act shall enter on the duties of their office on the second Monday in February next ensuing their election; and that no sheriff shall be commissioned until he shall have given bond and security, in like manner as sheriffs are by law now bound to do; and that the commissions of said sheriffs so to be elected shall be for the term of four years, conformably to the constitution, to be computed from the second Monday in February in the year in which said sheriff shall be so elected.

In the Senate House, the fifteenth day of December, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

No. 1915. *AN ACT* TO VEST IN THE JUDGES OF THE COURTS OF COMMON PLEAS THE POWERS APPERTAINING TO AND EXERCISED BY THE COURTS OF EQUITY, AS TO THE APPOINTMENT OF GUARDIANS, SO FAR AS MAY RELATE TO THE RIGHT OF MINORS IN ANY ESTATE TO BE DIVIDED UNDER THE ACT PASSED IN THE YEAR OF OUR LORD 1791; AND FOR OTHER PURPOSES AMENDATORY OF THE LAWS.

Preamble.

WHEREAS, by an Act entitled "An Act for the abolition of the rights of primogeniture, for giving an equal distribution of the real estates of intestates, and for other purposes therein mentioned," passed the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, the estates of intestates may be divided by an application to the court of common pleas; and whereas, the rights of minors are often involved in such divisions, and no sufficient powers vested in the said courts of common pleas to protect the said rights of minors:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the power and authority appertaining to and exercised by the court of equity, as to the appointment of guardians of the persons and estates of minors, be, and the same is hereby, vested in

the judges of the courts of common pleas, or either of them, holding such court, so far as the rights of minors may be concerned in any real or personal property to be divided under the said Act of Assembly, passed on the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one; as well as all other Acts relative to the partition of estates, real or personal, together with all other powers necessary for carrying into effect the above recited Act; any law, usage, or custom to the contrary notwithstanding.

A.D. 1808.

Judges of the court of common pleas authorized to appoint guardians

II. *And be it enacted* by the authority aforesaid, That whenever it shall be necessary to bring any prisoner into court, as a witness in any case, it shall be lawful for the presiding judge to order such prisoner to be brought into court, without the necessity of a writ of habeas corpus; and when the said prisoner shall have given his evidence, to cause him to be remanded to the custody of the officer to whose keeping he shall have been originally committed; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Prisoners how to be brought into court as witnesses.

III. *And be it further enacted* by the authority aforesaid, That the judges of the court of common pleas shall be, and they are hereby declared, in all cases of idiocy or lunacy which may hereafter occur, to be vested with jurisdiction concurrent with that exercised in like cases by the judges of the court of equity; and the judges of the several circuit courts of this State be, and they are hereby declared to be, vested with the like powers and authority which the judges of the court of equity, by law, or by the style, usage and practice of the court of equity, now have and exercise, either as to enquiring into the lunacy or idiocy of any lunatic or idiot, or as to the appointment of guardians of the person or property of such lunatic or idiot, according to the usage and practice of the court of equity in like cases.

Powers of the judges of the court of common pleas in cases of idiocy or lunacy.

IV. *And be it enacted* by the authority aforesaid, That the sheriffs, in future, shall not be authorized to charge or receive more than one dollar for his advertisements for the first sales day, or more than fifty cents for advertising of the same property at any subsequent sales day; except in Charleston, Richland and Georgetown districts, and in districts the court houses of which are not more than forty miles from printing offices, in which cases the sheriffs of said districts shall cause all property to be sold by them to be advertised in the public gazettes most contiguous, at least once a week, and be allowed to receive the cost of printing such advertisement, and none other charge for advertising, and also advertise as heretofore.

How sheriffs are to charge for advertising.

V. *And be it enacted* by the authority aforesaid, That in all cases which may hereafter arise, or be now depending, wherein the rights of the State may be involved, it shall be the duty of the persons claiming under the State to call on the attorney general or solicitors, in their respective districts, to defend the right of the State; on failure whereof, the record of such case shall not be adduced as evidence to substantiate any claim against the State.

Attorney general and solicitors to defend the right of the State.

VI. *And be it enacted* by the authority aforesaid, That any person or persons who may hereafter become purchasers of personal property at any sheriff's sale within this State, shall not be compelled to take a bill or bills of sale for the property so purchased by him or them, nor to pay for any bill of sale, without the purchaser should think proper to demand the bill of sale, for the property so purchased by him or them; any law to the contrary notwithstanding: and in case the purchaser should demand a bill of sale, then the sheriff shall charge therefor not more than two dollars.

Purchasers at sheriff's sales not compelled to take bills of sale.

VII. *And be it enacted* by the authority aforesaid, That it shall in future

A. D. 1808.
 Sheriff to serve
 all writs of
 subpoena.

be the duty of the sheriffs to serve all writs of subpoena which may be delivered to them for service, and that they shall be entitled to receive the same fees therefor as for the service of summary processes, and mileage on each ticket.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and thirty-third year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1916. AN ACT requiring the Major Generals of Militia of this State to cause one uniform system of evolutions to be adopted by the Cavalry within their respective divisions; for perfecting the several officers of Militia throughout this State in their military duty; and for other purposes therein mentioned.

(Passed December 17, 1808. *See last volume.*)

No. 1917. AN ACT to incorporate the South Carolina Homespun Company.

(Passed December 17, 1808. *See last volume.*)

No. 1918. AN ACT TO MAKE PROVISION BY LAW FOR ANY CHILD OR CHILDREN THAT MAY BE BORN SUBSEQUENT TO THE MAKING AND EXECUTING THE LAST WILL AND TESTAMENT OF ANY PERSON, BUT PREVIOUS TO THE DECEASE OF SUCH PERSON; AND AMENDATORY OF THE ACT ABOLISHING THE RIGHTS OF PRIMOGENITURE.

Preamble. WHEREAS, great and serious inconveniencies have arisen from the unequal distribution of property amongst families, which, by right and the ties of consanguinity, have an equal claim, by reason of no provision having been heretofore made by law for such child or children:

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, that any child or children of any person, which may be born after the making and executing the last will and testament, but previous to the decease of such person, shall be, and is hereby, provided for in the same manner as posthumous children are provided for in and by an Act of the Legislature, passed the thirteenth day of March, one thousand seven hundred and eighty-nine, entitled "An Act directing the manner of granting

Provision to be
 made for chil-
 dren born after
 the will, &c.

probates of wills and letters of administration, and for other purposes therein mentioned;" any thing heretofore to the contrary thereof in any wise notwithstanding. A. D. 1808.

II. *And be it further enacted*, That so much of the Act entitled "An Act for the abolition of the rights of primogeniture, and for giving an equitable distribution of the real estate of intestates, and for other purposes therein mentioned," passed the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, as enacts "that no personal estate which shall be acquired by any person after the making of his or her will, shall pass thereby, unless the said will be republished," be, and is hereby, repealed; and that such person shall not be considered as having died intestate as to such personal property. Part of former Act repealed.

In the Senate House, the fifteenth day of December, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT TO VEST TWO TRACTS OF LAND ON EDISTO ISLAND IN THE MEMBERS OF THE EPISCOPAL CHURCH OF EDISTO ISLAND. No. 1919.

WHEREAS, a petition has been presented to the Legislature by sundry persons, inhabitants of Edisto Island, St. John's Colleton, praying that two pieces of land in the said Island, which have escheated to this State, may be given to the members of the Episcopal Church of Edisto Island; Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That two tracts of land, containing about eighty acres, heretofore belonging to a Baptist church established on the said island, and given by the Rev. Mr. Tilly, which said church has become extinct by the death or removal of all its members, shall be, and they are hereby, vested in the members of the Episcopal church of Edisto Island aforesaid, and their successors, forever, for the use of the said church. Land vested in the Episcopal Church of Edisto Island.
Provided nevertheless, that nothing herein contained shall be construed to bar the right of any individual or society claiming the same lands; and provided, such claim be judicially established in some court of law or equity in this State, within twenty-one years from and after the passing of this Act; and provided also, that the said congregation shall cause this Act to be published in one of the gazettes of this State twice in each year of the term specified above. Proviso.

In the Senate House, the fifteenth day of December, in the year of our Lord one thousand eight hundred and eight, and of the Sovereignty and Independence of the United States of America the thirty-third.

SAMUEL WARREN, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

A. D. 1808.

No. 1920. *AN ACT* FOR COMPELLING ALL MASTERS OF VESSELS LODGING SEAMEN IN THE GAOLS OF THE SEAPORT TOWNS, TO GIVE SECURITY FOR TAKING THEM AWAY, AND FOR THEIR MAINTENANCE.

WHEREAS, great injury has arisen from masters of vessels and others lodging seamen in the gaols of this State :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all masters of vessels, and others, lodging seamen in the gaols of this State, for desertion, shall, previously thereto, give bond with security to the sheriff of the district, to be by him approved, in the sum of five hundred dollars, for every seaman so lodged in any gaol in this State, with a condition that he or they shall be bound to take away the said seaman or seamen from the gaol, and pay the expenses thereof.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and of the Independence of the United States of America the thirty-third.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1921. *AN ACT* to alter and amend "An Act to incorporate Charleston;" and for other purposes therein mentioned.

(Passed December 15, 1808. *See last volume.*)

No. 1922. *AN ACT* TO SUSPEND FOREVER THE SALE OF CERTAIN LANDS THEREIN MENTIONED.

Preamble.

WHEREAS, great hardship and injury may result to many of the inhabitants of this State, by the sale of certain lands directed to be sold by an Act entitled "An Act supplementary to an Act entitled An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein."

Sale of lands suspended.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sale of all the lands contained within the bounds of the several grants exceeding six hundred and forty acres, now remaining within the Secretary's office of this State, and which have been there detained for default in the payment of the purchase money by the respective grantees, be, and the same are hereby, forever suspended; any thing in the said recited Act, or any other Act or Acts, to the contrary thereof in any wise notwithstanding.

II. *And be it further enacted* by the authority aforesaid, That the several sheriffs in this State be, and they are hereby, commanded and required to return into the secretary's office all the grants of any such lands now in their possession respectively.

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Sheriffs to return grants of such lands.

III. *And be it further enacted* by the authority aforesaid, That the Secretary of State shall on no pretence whatsoever deliver the grants of any of the aforesaid lands to the grantees, but shall, for ever hereafter, safely keep all the grants of the said lands in his said office,

Secretary of State to keep such grants.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO AMEND AN ACT ENTITLED "*An Act to cede to the United States various Forts and Fortifications, and sites for the erection of Forts,*" PASSED THE NINETEENTH DAY OF DECEMBER, 1805. No. 1923.

WHEREAS, by an Act passed the nineteenth day of December, one thousand eight hundred and five, entitled "An Act to cede to the United States various forts, fortifications, and sites for the erection of forts," it is enacted that a quantity of land, not exceeding four acres, for a battery or fort, and necessary buildings, on Doctor Blythe's point of land, at the mouth of Sampit river, shall be ceded to the United States; and whereas, it is necessary to cede a greater quantity of land for the purposes aforesaid:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That there shall be, and hereby is, granted to the United States of America, all the right, title and claim of this State to a quantity of land, not exceeding six acres, on Doctor Blythe's point of land at the mouth of Sampit river, adjoining and in addition to the quantity of land, not exceeding four acres, by the Act aforesaid granted to the United States, for a battery or fort and necessary buildings.

Grant of land to the U. States for a fort.

II. *And be it enacted* by the authority aforesaid, That Joseph Alston, Savage Smith, Benjamin Huger, John Keith and Paul Trapier, or any three of them, be, and they are hereby appointed, commissioners, and authorized to locate, by proper metes and bounds, at the expense of this State, so far as the charges of surveyors shall be incurred, the above mentioned quantity of land; and who shall return into the office of the Secretary of this State, on or before the first day of June, in the year one thousand eight hundred and nine, a fair plat of survey and accurate description of the said land so ceded, setting forth the limits and bounds of the same.

Commissioners appointed.

III. *And be it further enacted* by the authority aforesaid, That all the provisions, restrictions and clauses contained in the aforesaid Act, applicable and relative to the quantity of land, not exceeding four acres of land, on Doctor Blythe's point of land, at the mouth of Sampit river, thereby ceded to the United States, shall be, and the same are hereby declared to be,

A. D. 1808.

applicable and relative to the quantity of land, not exceeding six acres, by this Act ceded and granted to the United States.

Land near
Beaufort ceded
to the U. S.

IV. *And be it enacted* by the authority aforesaid, That five acres of the public lands near the town of Beaufort, including the site of Fort Lyttleton, be ceded to the United States, for the purpose of erecting a fort; and that Colonel Colcock, Stephen Elliott and Samuel Lawrence, be commissioners to locate the same; and that the said commissioners be, and are hereby, vested with the powers, and are required to perform the duties, prescribed by the preceding clause of this Act.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1924. AN ACT amending the Charter of the Winyaw Indigo Society; and for other purposes therein mentioned.

(Passed December 15, 1808. *See last volume.*)

No. 1925. AN ACT to incorporate the several Societies therein mentioned.

(Passed December 17, 1808. *See last volume.*)

No. 1926. AN ACT TO ENABLE THE CATAWBA INDIANS TO MAKE LEASES OF THEIR LANDS FOR LIFE OR LIVES, OR TERMS OF YEARS; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, it is expedient that the Catawba Indians should have the power to grant and make leases for life or lives, as well as for terms of years, of the lands vested in them by the laws of this State:

Catawba lands
may be leased
for life, &c.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act it shall and may be lawful for the Catawba Indians to grant and make to any person or persons any lease or leases, for life or lives or term of years, of any of the lands vested in them by the laws of this State; provided, that no lease shall exceed the term of ninety-nine years, or three lives, in being.

Governor to
appoint five su-
perintendents.

II. *And be it further enacted* by the authority aforesaid, That the Governor for the time being shall be authorized, and he is hereby required, to appoint five fit and proper persons to superintend the leasing of the lands of

the Catawba Indians in manner aforesaid; and no lease of the lands of the Catawba Indians, hereafter to be made, whether for life or lives, or terms of years, shall be held or deemed as valid and good in law, unless the same be witnessed by a majority of the said superintendents at the time of making thereof, and signed and sealed by at least four of the head men or chiefs of the said Catawba Indians: Provided, that an annual rent be reserved as a compensation for such lease; and provided also, that no payments shall at any time be made for such lease, or any part thereof, for more than three years rent in advance; and that no payments shall be deemed and held to be valid unless the same be made conformably to this Act, and receipts therefor given by such of the chiefs of the nation as usually transact their affairs, and by a majority of the said superintendents.

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III. *And be it enacted* by the authority aforesaid, That the said superintendants shall be commissioned for the purposes aforesaid for seven years; which commission shall be recorded in the office of Secretary of State, and an office copy thereof shall be taken and received as good evidence in any courts of law or equity within this State, as the original would be, if produced in any case wherein it might be necessary to produce such original commission.

To be commissioned for seven years.

IV. *And be it further enacted*, That all Acts and clauses of Acts or Resolutions repugnant hereto be, and the same are hereby, repealed.

Former Acts repealed.

In the Senate House, the fifteenth day of December, in the year of our Lord one thousand eight hundred and eight, and of the Independence of the United States of America the thirty-third.

SAMUEL WARREN, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

AN ACT TO REMIT THE ESCHEAT WHICH HAS ACCRUED TO THE STATE No. 1927.
OF ONE MOIETY OF THE ESTATE OF THE LATE NICHOLAS WINCKLER, JR. DECEASED, AND TO VEST THE SAME IN THE SISTERS OF THE SAID NICHOLAS WINCKLER, AND THE ISSUE OF SUCH OF THEM AS ARE DECEASED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, That the escheat of that moiety of the estate of the late Nicholas Winckler, Jr. deceased, which has accrued to the State, be, and the same is hereby, remitted and given up; and that the estate so escheated be, and the same is hereby, vested in David Strobhar, and Elizabeth his wife, who was a sister of the said Nicholas Winckler, deceased, and in the three children of the late Margaret Vadgneur, deceased, who was a sister of the said Nicholas Winckler; the said David Strobhar and his wife taking one moiety of the said estate, absolutely to their own use; and the three children of the said Margaret Vadgneur, deceased, taking the other moiety of the said estate equally amongst them, to their own use absolutely.

In the Senate House, the fifteenth day of December, in the year of our Lord one thousand eight hundred and eight, and of the Independence of the United States of America the thirty-third.

SAMUEL WARREN, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

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No 1928. *AN ACT TO CORRECT AN ERROR IN AN ACT ENTITLED "An Act to remit an Escheat which has accrued to the State, and to vest the same in the persons therein named."*

WHEREAS, it appears that an error was committed in the Act above mentioned, by calling the wife of David Strobhar by the Christian name of Elizabeth, but that her name is in fact Margaret, and by calling the late Mrs. Vadgneur by the Christian name of Margaret, but that her name is in fact Elizabeth: for correction thereof,

I. *Be it enacted*, by the the Senate and House of Representatives, and by the authority of the same, That the Act above mentioned shall have full effect and operation in favor of David Strobhar and Margaret his wife, and in favor of the children of the late Elizabeth Vadgneur, as completely as if the names aforesaid had been correctly inserted in the said Act.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and thirty-third year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1929. *AN ACT TO RELEASE THE COMMISSIONERS OF PENDLETON COUNTY COURT, AND TO VEST IN THE HANDS OF COMMISSIONERS THE FUNDS WHICH MAY BE DUE TO THE SAID COMMISSIONERS, AS COMMISSIONERS OF THE SAID COUNTY COURT, FOR THE PURPOSE OF ESTABLISHING A CIRCULATING LIBRARY.*

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met in General Assembly, and by the authority of the same, That the commissioners of the former county of Pendleton shall be, and they are hereby, released from all responsibility as commissioners as aforesaid, as soon as they shall have assigned over all the debts due to them as commissioners of the said county of Pendleton, and pay over all monies which have been received by them, and is still unappropriated, to the use of the said county, to the Rev. James M'Elheney, John Taylor, Andrew Pickens, Jr., William Lee, Samuel Cherrey, General Robert Anderson, Joseph Whitner, James Griffin and Thomas Johnson, and their successors in office.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners, and their successors in office, be, and they are hereby, authorized to receive all monies which may be due or in the hands of the present commissioners, belonging to the funds of the former county of Pendleton, and that they lay the same out for the purchase of books, and that they do therewith establish a public circulating library, under such rules and regulations as shall to them seem proper, and most likely to produce the greatest public utility.

III. *And be it further enacted* by the authority aforesaid, That the

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commissioners before mentioned shall have a right to fill up all vacancies which may happen, by resignation or otherwise, among said commissioners.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and thirty-third of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO AMEND AN ACT ENTITLED "*An Act to prevent the damaging up Broad, Saluda, Pacolite, Tyger and Enoree Rivers, and Stephen's Creek, or otherwise obstructing the fish from passing up the said Rivers, and to oblige such persons who have already damed or otherwise obstructed the passage of fish in said Rivers, to open the said dams or obstructions so as fish may pass;*" AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1930.

WHEREAS, great inconveniencies have resulted to the inhabitants near Tyger river, in consequence of the above mentioned Act requiring that a sufficient slope or sluice shall be kept open in every mill dam thereon, during the whole year, for the passage of fish, whereby the mills in the summer are prevented from grinding:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, every person or persons who now have, or may hereafter have or erect, any mill dam across Tyger river, or any part thereof, shall open and keep a good and sufficient slope or sluice at least fifteen feet wide, in the middle of the river, and as low as the mud sill in such dam, from the first day in March until the fifteenth day of May, inclusive, in every year, for the passage of fish up the said river; and every person or persons who shall neglect or refuse to open and keep such slope or sluice as aforesaid, shall forfeit, and pay to any person who shall inform and sue for the same, the sum of twelve dollars for every twelve hours he, she or they shall so neglect or refuse to open and keep such slope or sluice as aforesaid, to be recovered before any justice of the peace or quorum.

Keep a sluice or slope in Tyger river fifteen feet wide, for the passage of fish.

II. *And be it further enacted* by the authority aforesaid, That if any person or persons shall put or place any trap, weir or other obstruction within two hundred yards of such slope or sluice aforesaid, then, and in that case, every such person or persons so offending shall forfeit and pay to any informer the sum of twelve dollars for every twelve hours each trap, weir or other obstruction shall continue, to be recovered as aforesaid.

Penalty for obstructing.

III. *And be it further enacted* by the authority aforesaid, That if any person or persons shall put any trap or other obstruction in Tyger river, (except mill dams as aforesaid,) so as not to leave one-third part of the said river open, to include the main channel thereof, then, and in that case, every person or persons so offending shall forfeit, and pay to any informer, twelve dollars for every twelve hours such trap or other obstruction shall continue, to be recovered as aforesaid.

A. D. 1808.

Remedy by
appeal.

IV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall conceive him, her or themselves aggrieved by the sentence, judgment, decree or order of any justice of the peace or quorum under this Act, he, she or they shall be entitled to an appeal to the district court, upon the same terms and conditions as appeals are now had in other cases from the decisions of a justice.

Part of a former
Act repealed.

V. *And be it further enacted* by the authority aforesaid, That all Acts or clauses of Acts contrary to the provisions of this Act, be, and the same are hereby, repealed.

In the Senate House, the fifteenth day of December, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

THEODORE GAILLARD, *Speaker of the House of Representatives.*

No. 1931. *AN ACT TO GRANT TO JAMES W. COTTON THE EXCLUSIVE PRIVILEGE OF RUNNING A STAGE COACH TO AND FROM CERTAIN PLACES FOR A LIMITED TIME.*

Preamble.

WHEREAS, James W. Cotton, has presented a petition to the Legislature, praying that an Act may be passed, securing to him the exclusive privilege of running a stage coach between Charleston and Georgetown in this State; and it is ascertained that much convenience and advantage would result to the inhabitants, and to persons travelling to various parts of the United States, to have such a sure and commodious conveyance established:

J. W. Cotton
to run a line of
stages between
Charleston and
Georgetown.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said James W. Cotton shall, for the term of five years, have the exclusive right and privilege of keeping, maintaining and running such stage coach from Charleston to Georgetown in this State, and from Georgetown again to Charleston, alternately, as often as it may be proper and suitable for him to do; and that if any person or persons shall, within that time, for any hire or reward, make a practice of carrying people in any coach or other four wheel carriage, any where between Charleston and Georgetown, such person or persons shall forfeit double the amount of any hire or reward so received by him, her or them, to the said James W. Cotton, his executors and administrators, and be liable to a special action for recovery of the same.

Penalty.

II. *And be it further enacted* by the authority aforesaid, That the said James W. Cotton, his executors and administrators, shall keep fit, good and sufficient stage coaches, and good, strong, able and proper horses, and suitable and capable drivers, for the convenience and accommodation of travellers, and shall be obliged to run a stage coach at least once in every week from Charleston to Georgetown, and from Georgetown to Charleston. And in case the said James W. Cotton should neglect or fail to keep, maintain and support such stage coach or coaches, horses or drivers, or neglects to run the said coach or coaches, as often as is required by this Act, upon complaint thereof made, and satisfactory proof given the court

of sessions or common pleas in any district of this State, he the said James W. Cotton, his executors or administrators, shall forfeit all benefit and advantage resulting to him from this Act; and shall be liable to an action on the case, at the suit of any party aggrieved thereby: Provided nevertheless, that exclusive privilege of running the aforesaid stage coach or coaches in the line between Charleston and Georgetown aforesaid, shall not be construed so as to interfere with the establishment of any stages by the government of the United States.

A. D. 1808.

Proviso.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third year of the Sovereignty and Independence of the United States of America.

SAMUEL WARRÉN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT to establish certain Roads, Bridges and Ferries therein mentioned. No. 1932.

(Passed December 17, 1808. *See last volume.*)

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHT; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1933.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof.

II. *And be it enacted* by the authority aforesaid, That fifteen cents per centum ad valorem be paid in specie or paper medium on all lands granted within this State, under the several regulations hereinafter mentioned. Class No. 1 shall contain all tide swamp of the first quality, not generally affected by the salts or freshes, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by the salts or freshes, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshes, which shall be rated at eight and one half dollars per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight and one half dollars per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; pine barren lands, adjoining or contiguous thereto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre.

Rate of taxation on lands.

A. D. 1803.

Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality to be rated at thirteen dollars per acre; the second quality at eight and one half dollars per acre; the third quality at four dollars per acre; excepting such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamps and low grounds lying above Snow Hill, and the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands lying on the Sea islands, (Slann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford, and the new boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one dollar and one half dollar per acre; and the second quality at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality at sixty cents per acre; and the third quality at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

Rate of taxing
slaves, &c.

III. *And be it enacted* by the authority aforesaid, That thirty-five cents per head shall be levied upon all slaves; and the sum of two dollars per head upon all free negroes, mulattoes, and mestizoes, between the ages of fifteen and fifty; and fifteen cents ad valorem on every hundred dollars of the value of all lands and lots and buildings within any city, village, or borough; and thirty-five cents per centum on all stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium or specie.

Slaves employ-
ed on Indian
lands.

IV. *And be it enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property of the estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, or the Fellowship Society, or of the estate of the late Doctor De la Howe, devi-

sed for charitable purposes, and that part of the estate of the late Thomas Wadsworth which was devised for the establishment of a school, or the Clarendon, or the High Hills of Santee, or the Camden Orphan Societies, or the Columbia Academy, or the lands and funds owned by the Free School of Dorchester, or the public lands held by the corporation of Charleston, or of the lands and funds of any society applicable to the education or maintenance of public schools; but that no houses owned or erected on the same by any private individuals, shall be exempted from paying taxes thereon, according to their full value, to be rated by the assessor or assessors in the respective collection districts.

V. *And be it further enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides within the limits of the United States, shall, for the use of this State, pay a triple tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any person now absent from the United States, unless such person has been absent for one year.

VI. *And be it further enacted* by the authority aforesaid, That the tax collectors throughout this State shall receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance in gold and silver at the bank of the United States, the branch bank thereof in Charleston, the bank of South Carolina, the State Bank, or certain certificates for the pay of the members of the Legislature, or the Solicitors, for their attendance on the Legislature.

VII. *And be it further enacted* by the authority aforesaid, That each and every enquirer, assessor and collector shall, on their enquiry for their return of taxes of this State for the year one thousand eight hundred and eight, administer the following oath to all such persons as shall be liable to pay any of the said taxes, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that the account which I now give in is a just and true account of the quality and quantity of the lands, and the number of the slaves, on the first day of October, one thousand eight hundred and eight, in any manner whatsoever, which I am possessed of, interested in, or entitled to, either in my own right or in the right of any other person whomsoever, either as guardian, executor, agent, attorney, trustee, or in any manner whatsoever, according to the best of my knowledge and belief; and that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked me touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever." And upon the principal sum of every sum or sums of interest of money actually received, over and above what each person pays on account of interest, the said assessor, enquirer or collector, or assessors or enquirers or collectors, to whom the same shall be returned, shall assess the sum of twelve and one half cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportionable sum on all other sums of money drawing less or more than seven per cent; to be recovered in like manner, in case of default, as the collectors are authorized by law heretofore to do on their returns of lands or slaves.

VIII. *And be it enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, they shall be liable to suffer the same forfeitures and pay the same penalties as are authorized by law in case of

A.D. 1808.



 Exceptions.

 Absentees
 triple taxed.

 What shall be
 received for
 taxes.

 Returns of all
 property to be
 made on oath.

 Tax on money
 at interest.

 Property not
 returned.

A. D. 1868.

their refusing or neglecting to make a return of his, her or their lands or slaves.

Time of pay-
ment of the pa-
per medium.

IX. *And be it enacted* by the authority aforesaid, That the instalments on the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid as directed by an Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and ten. Provided, that no person shall be entitled to the benefit of this clause who shall not give additional security to the treasurer in Charleston, in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which may be made in paying the interest to grow due on the first day of March next.

Copies of this
Act to be fur-
nished.

X. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act, and of the Act supplementary to an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," to each of the collectors appointed by law throughout this State, within one month after passing this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

Sale of lands
postponed.

XI. *And be it enacted* by the authority aforesaid, That the Comptroller be, and he is hereby, required to postpone making sale of all lands directed to be sold by the twenty-third clause of an Act entitled "An Act supplementary to an Act entitled an Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," until the first day of January, one thousand eight hundred and ten.

Times for mak-
ing returns
and paying
taxes.

XII. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, all persons liable to pay any taxes hereafter to be imposed by any law of this State, shall, on or before the first day of February in each and every year, give in a just and true return of all slaves, and of the quantity and quality of all lands, and monies at interest, as may be directed and required by the said laws, which they may hold or be entitled unto, in his, her or their own right, or the right of any other person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever; and shall, on or before the first day of May ensuing, pay their taxes to the collector of that collection district where the party making such return, either by himself, his or her family, may reside the greater part of the year. And that the said assessors or collectors shall annually pay the same, and settle their accounts with the treasurer, on the first day of June next ensuing, so far as relates to the tax collectors of the lower division of the treasury.

Mortgaged
lands bought
in on account
of the State to
be sold.

XIII. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums borrowed by them, and sales have been made of the lands mortgaged to secure the said loan, and the treasurers have bought in the said lands for defect of bidders, and the same remain as the property of the State, unproductive; and in other cases the property so sold has been purchased in by the mortgagors and others, who have not complied with the terms or conditions of the said sales; *Be it therefore enacted* by the authority aforesaid, That the treasurers aforesaid shall be, and they are hereby, authorized and directed to cause all the lands bought in as aforesaid on account of the State, and all lands purchased in by the mortgagors or other persons whomsoever who have not complied

with the conditions of the former sales of the said property, to be put up to sale, in the different districts in which they severally lie, by the sheriffs of the said districts, on a public sale day, after giving three months notice thereof, and shall sell the same to the highest bidder, who shall pay one fourth of the purchase money in cash, and the remaining three fourths in one and two years; for the performance of which he shall give his bond and a mortgage of the premises, and also personal security, to be approved of by the sheriff and three commissioners, residing in such districts, to be nominated by the treasurer. *Provided*, no sale of the mortgaged lands shall take place when any person interested in the same shall, previously to the day of sale, tender one third part of the sum due, together with the expenses incurred.

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XIV. *And be it enacted* by the authority aforesaid, That on all sales made in pursuance of the next preceding clause, and under the authority thereof, the purchaser shall, immediately after the said property shall be knocked off to him, pay into the hands of the sheriff making the said sale a sum which shall at least be equal to ten per cent. upon the amount of his purchase, towards the payment thereof; and if he should fail or neglect to make such payment, the sheriff shall immediately set up the same property for public sale, upon the spot; and shall not, upon such re-sale, or any other sale of the same property made by virtue of this Act, receive the bid of the first purchaser or his agent. And that the sheriff shall, in all his advertisements of the property sold by virtue of this Act, on account of the paper medium loan, give notice that he will require the payment of the said ten per cent.; to the end that no persons inclined to purchase at the said sales may be ignorant thereof.

Terms of such sales.

XV. *And be it further enacted* by the authority aforesaid, That if any purchaser, after paying the percentage aforesaid, shall fail or neglect to comply with the terms of the sale, all money so paid shall be forfeited to the State; and shall be applied first to pay the costs and charges accrued or due upon the said sale, and the surplus, if any, shall be paid into the treasury of this State, in aid of the revenue thereof.

Forfeiture on not complying with the terms of such sales.

XVI. *And be it further enacted* by the authority aforesaid, That if any person shall at any re-sale made by the sheriff on account of the first or any former purchaser having failed or neglected to pay the percentage aforesaid, or to comply with the terms and conditions of the sale, such purchaser shall himself be bound by his purchase, and shall comply with this act, and the terms and conditions of such re-sale, and shall not be allowed to say, set up, or pretend, that he bought the same as agent for the first or any former purchaser. *Provided* always, that it shall be publicly proclaimed by the crier at public sale, that the same was to be on account and risque of the first or some former purchaser; and that the conditions and terms of the sale shall, in like manner, be proclaimed by him immediately before the property is set up.

Terms of sale when lands are re-sold.

XVII. *And be it enacted* by the authority aforesaid, That in case of any re-sale made under the authority of the preceding clauses of this Act, on account or by reason of the non-payment of the ten per cent. hereby required to be paid, or on account of the non-compliance with the conditions and terms herein before prescribed, the person or persons for whose default the said re-sale shall be made, shall be, and he, she and they is and are hereby declared, liable for any deficiency which may happen between the first and any other subsequent sale of the said property; and the treasurers are hereby authorized and directed to commence suits for the recovery of any such deficiency.

Defaulters liable for any deficiency by such sales.

XVIII. *And be it further enacted* by the authority aforesaid, That it shall

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Poor tax.

be the duty of the tax collectors of this State to make, on the first Monday in September next, to the commissioners of the poor, in the parish or district in which any poor tax shall be by the said tax collectors respectively collected, a return of such poor tax, in like manner as they make their returns of the public tax to the treasurers of this State. And it shall also be the duty of the said tax collectors to make a duplicate return to the comptroller general of the amount of tax so collected and paid to the commissioners.

Transient
poor fund of
Charleston.

XIX. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed annually to call on the treasurer of the City Council of Charleston to render an account on oath to him of the application of such monies as are appropriated for the support of the transient poor, and for other purposes; and that the account so rendered be laid before the Legislature.

Tax collectors
to return prop-
erty lying in
other divisions,
for which taxes
are paid them.

XX. *And be it enacted* by the authority aforesaid, That the several tax collectors in each fiscal division of the State shall exhibit, in some column of his return, the number of acres of land lying within their respective divisions, and the number of acres lying elsewhere, and for which taxes shall be paid them; in like manner they shall exhibit in other columns the number of negroes within their respective divisions, and of those elsewhere, and where, on which taxes shall be paid them; and in other separate columns exhibit the amount of taxes in their respective divisions, on every different article taxed by law; and the treasurers of each division, and the comptroller, shall preserve these columns in their aggregate of taxes to be laid before the next Assembly.

Taxes in the
fork of Edisto.

XXI. *And be it further enacted* by the authority aforesaid, That the inhabitants in the fork of Edisto shall henceforth pay their taxes to the tax-collector of Orange Parish, whose power and authority shall hereafter extend throughout the fork, up to the lower line of Edgefield district.

Boundary line
between
Orange and
Winton.

XXII. And whereas, inconveniences arise from having a part of Orange county within the limits of Barnwell district; *Be it enacted* by the authority aforesaid, That the south branch of Edisto river, from the place where the line dividing Orange from Edgefield district strikes the same, to its junction with North Edisto, and thence to where the line of Colleton district strikes said river, shall for ever hereafter be the boundary between Orange and Winton counties.

Return to be
made by tax
collectors.

XXIII. *And be it enacted* by the authority aforesaid, That the tax collector for the parishes of St. Philip's and St. Michael's, Charleston, shall, on the first Monday in the months of April, May and June, in each and every year, make the following return to the treasurer of the lower division, "I, A. B., do solemnly swear (or affirm) that the sum of ——— dollars, by me now paid, is all the money which I have received on account of the general tax, since my last return." And on the first Monday in July, in each and every year, the said tax collector for St. Philip's and St. Michael's, Charleston, and for each and every tax collector in the upper division of the treasury of this State, and on the first Monday in June, in each and every year, each and every tax collector in the lower division of the treasury of this State, shall completely and finally close their several and respective returns, by paying over the full balance which may have been received by them, producing to the treasurer of the said upper and lower divisions of the treasury of this State, respectively, the sheriff's receipts for all executions lodged by them against defaulters; and if the sheriff's receipt, so produced, shall not satisfactorily account for the full balance due on the said return, then, and in such case, the treasurers in each division respectively, shall be, and they are hereby, directed to enforce the means

pointed out by the Act entitled "An Act declaring the duties and powers of the enquirers and assessors of taxes, and other persons concerned therein," passed in the year of our Lord one thousand seven hundred and eighty-eight. And the said several tax collectors, upon closing their said returns, shall respectively take the following oath or affirmation, to wit: "I, A. B., do solemnly swear (or affirm) that the return I now make is a just and true return of all the taxable property made for the collection district of ———, and that the sum of ——— dollars, by me now paid, is the whole of the monies I have received for the general taxes of the said district, since my last return;" which said oath or affirmation the treasurer shall impose, and cause to be endorsed on the said return.

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Oath to be
taken by the
collectors.

XXIV. *And be it enacted* by the authority aforesaid, That every person liable to pay the tax hereby imposed, and who is required to make a return by the preceding clause of this Act, shall, in his or her said return, particularly account for any property by him or her sold since the return of the preceding year, by stating whether the same was sold by him or her before or subsequent to the first of October, then next preceding, and to whom, that the comptroller-general, by an examination thereof, may be enabled to ascertain whether the tax due thereon has been paid; and in case any person shall fail or neglect so to do, he, she or they shall be liable for a double tax thereon, in the same manner as he, she or they would have been, had he, she or they not dispossessed themselves thereof.

Persons selling
taxable property
required to
make a return
thereof.

XXV. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed, annually, to call on the several boards of commissioners of public buildings, and boards of commissioners for clearing, opening and rendering navigable the several rivers and creeks in this State, to render an account, on oath, to him, of the application of such monies as are appropriated for the erection of public buildings, or the clearing, opening and rendering navigable the rivers and creeks of this State; and that the accounts so rendered be laid before the legislature.

Commissioners
of public build-
ings and in-
land navigation
to account to
the Control-
ler.

XXVI. Whereas, the fifth clause of the Act entitled "An Act respecting slaves, free negroes, mulattoes, and mestizoes, for enforcing the more punctual performance of patrol duty, and to impose certain restrictions on the emancipation of slaves," passed 20th December, 1800, which imposes a penalty or tax of one hundred dollars on every owner of a settled plantation containing more than ten workers, who does not reside or keep thereon a white man or overseer capable of doing patrol duty, is, in its operation, unequal and unjust: for remedy whereof, *Be it enacted* by the authority aforesaid, That from and after the first day of January next, it shall be the duty of every owner of a settled plantation, having thereon thirty slaves, either to reside thereon six months in every year, or to keep thereon a white man or overseer, capable of doing patrol duty; and in case such owner or owners neglect or fail to reside thereon as aforesaid, or to keep such white man or overseer on such plantation for nine months in each year, he, she or they shall be liable to the tax or penalty herein imposed, that is to say: for every plantation containing or having thirty slaves, upon which the owner does not reside six months in the year as aforesaid, or have a white man or overseer capable of doing patrol duty, he or she shall be liable to and pay the tax or penalty hereinafter mentioned: for every plantation having thirty slaves thereon, without such residence or overseer as aforesaid, one hundred dollars: for every plantation having more than thirty slaves thereon, without such residence or overseer as aforesaid, in addition to the said one hundred dollars aforesaid, one dollar per head on each and every negro or slave exceeding that number.

Tax on planta-
tions with more
than 30 slaves,
and without an
overseer.

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Oath to be taken by those who return more than 30 slaves.

XXVII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the several tax collectors throughout this State to administer the following oath to every person who shall make a return of more than thirty slaves: "I, A B, do solemnly swear (or affirm, as the case may be,) that I am not liable to pay the penalty hereby imposed for not having an overseer, or residing on my plantation, as required by this Act: so help me God." And in case any person or persons, returning more than thirty slaves, shall refuse to take the said oath, he, she or they shall be liable to the penalty hereby imposed for every slave by him returned exceeding the number of thirty.

Part of a former Act repealed.

XXVIII. *And be it further enacted* by the authority aforesaid, That so much of the 25th enacting clause of an Act entitled "An Act to raise supplies for the year one thousand eight hundred and seven, and for other purposes therein mentioned," passed the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, as is repugnant to the foregoing clauses, be, and the same is hereby, repealed.

Comptroller to draw on the treasury for the sums subscribed on the last register.

XXIX. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, authorized to draw his warrant on the treasury for the sums subscribed on the last register, as reported by him, amounting to two thousand nine hundred and eighty-three dollars, fifty-nine cents; also the sum of two hundred and fourteen dollars, twenty-eight cents, not registered according to law, but of which Thomas B. Bacot, as attorney of James Warrington, hath, by his special petition to the Legislature, prayed payment; and also one hundred and fifteen dollars, not registered according to law, but of which Thomas Blackwood, as executor of Andrew Vos, deceased, hath in like manner prayed payment, with one half of the interest on the said several sums, calculated to the time of paying the same, on receiving the evidences of the said debts cancelled.

Comptroller authorized to exchange the six per cent. stock held by this State.

XXX. *And be it further enacted* by the authority aforesaid, That the comptroller-general shall be, and he is hereby, authorized to exchange such of the six per cent. stock of the United States, which is held by this State, and which is of a transferable nature, for the six per cent. stock of this State; provided the same be done not under par.

Commissioners of the poor and of the roads to account to the clerks of courts.

XXXI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the commissioners of the poor, and the commissioners of the roads, in the several districts and parishes within this State, to render on oath to the clerks of the circuit courts in their respective districts, on the first Monday in September in every year, a correct account of all monies received by them, and the manner in which the same have been applied; and it shall be the duty of the clerks of the said courts respectively, to transmit certified copies thereof to the comptroller-general, to be by him laid before the Legislature.

Part of a former Act repealed.

XXXII. *And be it enacted* by the authority aforesaid, That the last enacting clause of an Act entitled "An Act to raise supplies for the year one thousand eight hundred and seven, and for other purposes therein mentioned," be, and the same is hereby, repealed.

Attorney-general and solicitors to account to the comptroller.

XXXIII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the attorney-general, and of each of the solicitors of the different circuits, to certify to the comptroller-general, on or before the first Monday in October in every year, the fines and forfeitures which have been had or inflicted by the courts upon his circuit, within the year next preceding the day aforesaid; and that it shall be the duty of each of the clerks of the several circuit court districts, to return to the comptroller-general, on or before the same day in every year, an account, upon oath, of all the fines and forfeitures which have been inflicted, had, or received within his

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district court, of the manner how appropriated or remitted, and to pay over to the treasurer of the State, the balance in hands on that day; that in case of the failure of any clerk to render such account, he shall forfeit and pay the sum of two hundred dollars, to be recovered in any court of competent jurisdiction; and it shall be the duty of the comptroller to direct the attorney-general or solicitors, as the case may be, to sue for and recover the aforesaid sum, of such clerk as shall fail to render such account.

XXXIV. *And be it enacted* by the authority aforesaid, That from and immediately after the passing of this Act, his Excellency the Governor shall be, and he is hereby, authorized and required to commission one fit and proper person, and at all times to fill up such vacancy as may happen, who shall give bond with two good and sufficient securities, to be approved of by him, in the sum of five thousand dollars, with condition for the faithful discharge of the duties enjoined by an Act entitled "An Act to appoint commissioners to purchase land for the purpose of building a town, and for removing the seat of government thereto;" and for the faithful execution of all Acts already passed or hereafter to be passed, relating to disposing of the lots or squares of land in the said town.

Governor to
appoint a com-
missioner of
Columbia.

XXXV. And whereas, certain lots or squares in the said town have been sold by the former commissioners, acting under the above recited Act, but no titles for the same have been executed; *Be it therefore enacted* by the authority aforesaid, That the commissioner appointed in pursuance of the preceding clause shall be, and he is hereby, authorized to execute titles to any person or persons, who have at any sales of lots or squares in the town of Columbia, made by any former board of commissioners, upon such purchaser or purchasers complying with the terms or conditions of such sales.

Commissioner
to execute
titles.

XXXVI. *And be it further enacted* by the authority aforesaid, That the commissioner to be appointed as aforesaid be, and he is hereby, authorized and required to enquire into the conduct of the former commissioners, or persons who have taken upon themselves the execution of the aforesaid recited Act, and to bring them to an account and settlement for all monies heretofore received by them, any or either of them; to take due and legal measures to secure all debts due to the State by the several purchasers of lots in the said town; to restrain all persons indebted for lots as aforesaid to pay to any one except to himself, for the use of the State, the debts by them respectively due; to compel the said commissioners, or the representatives of such of them as may be dead, to pay over to him all monies in their hands, or to deliver over all evidences of debts for lots as aforesaid, in the hands, custody or possession of them, or either of them; and generally to do all acts and things which may tend to secure the rights and interest of the State in the premises.

Powers and
duties of the
said commis-
sioner.

XXXVII. Whereas, Malachi Nicholas Bedgegood and David Mandeville have, by their petition, set forth that they have for several years past been the proprietors of the lands mortgaged to the loan office of this State by Thomas and Josiah Evans, in security for the payment of the amount of their joint bond, numbered three hundred and forty-eight; and whereas, they have set forth that the said lands so mortgaged as aforesaid have been sold by the commissioners of the treasury, and bought in on account of the State; and whereas, the said Malachi N. Bedgegood and David Mandeville have, by their said petition, prayed that the said lands may be reconveyed to them, and to be held by them under the same conditions to which it was subject previously to the time of the said sale: *Be it therefore enacted* by the authority aforesaid, That the commissioner of the treasury for the lower division shall be, and he is hereby, authorized and required, by

Lands to be
re-conveyed to
M. N. Bedge-
good and D.
Mandeville.

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a deed or deeds, competent and proper in law, to reconvey to the said Malachi N. Bedgegood and David Mandeville, their heirs and assigns, the said lands: Provided, that the said Malachi N. Bedgegood and David Mandeville, shall, on or before the first day of April next, pay into the treasury of the lower division of this State the several instalments and interest which may be due on the above mentioned bond, and all incidental expenses attending the sales and reconveyance of the said land: And provided, that the said Malachi N. Bedgegood and David Mandeville will mortgage the said lands for the benefit of this State, to the commissioner of the treasury of the lower division, in his capacity as commissioner of the loan office, in the manner and form as lands were mortgaged by an Act entitled "An Act to establish a medium of circulation by way of loan, and to secure its credit and utility:" And provided also, that they, the said Malachi N. Bedgegood and David Mandeville, shall give to the said treasurer their joint and several bond for the payment of the balance of principal and interest which shall or may hereafter become due on said bond, with personal security, to be approved of by the sheriff of Marlborough district, and three commissioners residing in said district, to be nominated by said treasurer; which bond, both in relation to principal and interest, shall be made payable annually, at the same time that the loan office bonds were originally made payable.

Bond to be delivered to M. N. Bedgegood and D. Mandeville.

XXXVIII. *And be it further enacted* by the authority aforesaid, That as soon as the said Malachi N. Bedgegood and David Mandeville shall deliver to the said treasurer the said bond, in manner and form as above required, and shall comply with the other requisites of the above mentioned clause, the said treasurer shall, and he is hereby required to, deliver to them, or either of them, the bond given by the said Thomas and Josiah Evans.

Mortgaged lands liable to be sold in the usual manner.

XXXIX. And whereas, by an Act entitled "An Act supplementary to an Act entitled an Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," passed in December, one thousand eight hundred, and on the seventeenth day of December, one thousand eight hundred and three, it is provided that no sale of the lands mortgaged for the paper medium loan shall take place when any person interested in the same shall, previous to the day of sale, tender one third part of the sum due, together with the expenses incurred, and give bond, mortgage and security, as is therein before directed, for the balance due, payable in one and two years; and that the said mortgaged property shall, thereupon, vest in the party so paying and giving security as aforesaid: for the explanation whereof, *Be it enacted*, That in every case where the provisions of the aforesaid Act shall heretofore have been, or hereafter may be, complied with, the State shall be considered as still retaining lien on the lands, created by the first mortgage; and the lands so mortgaged shall, upon default of payment of the mortgage money due thereon, or the interest now due, or that may hereafter grow due thereon, be liable to be sold, in the same manner, and under the same proceedings of the treasurers, as now are or hereafter shall be directed by law for the sale of lands mortgaged for the paper medium loaned.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and in the thirty-third year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A. D. 1808.

No. 1934.

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT
HUNDRED AND EIGHT.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of public officers, and other expenses and purposes of government. Appropriations

For the salary of the Governor, two thousand five hundred and seventy-two dollars.

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of six Judges of the courts of common pleas, each two thousand five hundred and seventy-two dollars—in the whole, fifteen thousand four hundred and thirty-two dollars.

For the salaries of five Judges of the Court of Equity, eleven thousand five hundred and seventy-six dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full recompense for the discharge of all public duties incident to his office, as Attorney General, one thousand dollars.

For the salaries of four Circuit Solicitors, each, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, each five hundred dollars—in the whole, two thousand dollars.

For the salary of the Comptroller-general, two thousand and five hundred dollars.

For the salaries of the Comptroller-general's clerks, and the stationary requisite for his office, one thousand and six hundred dollars.

For the salary of the Treasurer of Charleston, as Treasurer, and for transacting the business of the Loan Office, and Clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salary of the Clerk of the Senate, and the Clerk's salary of the House of Representatives, each twelve hundred and thirty dollars; in the whole, two thousand four hundred and sixty dollars.

As a compensation for the Clerk of the Court at Columbia, one hundred and forty dollars.

As a compensation for the Clerk of the Court at Charleston, one hundred and forty dollars.

As a compensation for the Sheriff of Richland district, for attending the Constitutional Court at Columbia, fifty dollars.

As a compensation for the Sheriff of Charleston district, for attending the Constitutional Court at Charleston, fifty dollars.

For the keeper of the State House at Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, fifteen hundred dollars.

For the salaries of nine Brigade Inspectors, each two hundred and sixteen dollars—in the whole, one thousand nine hundred and forty-four dollars.

As a compensation for the Arsenal keeper and powder receiver, in the city of Charleston, three hundred dollars.

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For the salary of the Port Physician of Charleston, for boat hire and all other expenses appertaining to the said office, one thousand dollars.

As a compensation for the Arsenal keeper and powder receivers for Abbeville, Camden, Georgetown and Beaufort, each fifty dollars—in the whole, two hundred dollars.

For the contracts of the State Printer, a sum not exceeding one thousand one hundred and fifty-eight dollars.

As a compensation for the Pilot for the bar and harbour of Georgetown, three hundred and twenty-two dollars.

As a compensation for the pilot for the bar and harbor of Beaufort, three hundred and twenty-two dollars.

For Annuities, seven thousand dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary of the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

As a contingent fund subject to the Governor's draft, he submitting an annual account of the expenditure thereof, ten thousand dollars.

For the expenses of the Members of the Legislature at the present session, and pay of the Solicitors for their attendance, thirteen thousand five hundred dollars—if so much be necessary.

As compensation for two Doorkeepers to the Legislature, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars.

As a compensation for two Messengers, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars; to be paid at the adjournment of the legislature.

For rent of the Governor's house at Columbia, two hundred and fifty dollars.

For aid in supporting the transient poor in Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller, and by him submitted to the legislature.

For the discharge of the contingent expenses of the upper division, a sum not exceeding five thousand dollars.

For the discharge of the contingent expenses of the lower division, a sum not exceeding six thousand dollars.

For the City Guard, payable to the City Council of Charleston, four thousand dollars.

II. *And be it further enacted* by the authority aforesaid, That the pay hereinafter to be provided for the support and maintenance of the magazine guard, shall be restricted to that of an officer, sergeant and six men; and that the sum of two thousand two hundred dollars be appropriated for the payment of the said guard, under the direction of the comptroller general.

As a further appropriation for the building of the court house of Edgefield district, one thousand dollars.

For the repairs of the gaol of Marion district, four hundred dollars.

John Moncrieffe, for a claim on the State for two hundred and thirty pounds, with one half of the interest, to be calculated thereon from the time his claim was presented to the commissioners of accounts to be registered, a sum not exceeding one thousand five hundred dollars.

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John Rabb, the sum of thirty dollars, and interest thereon from the seventh day of September, one thousand eight hundred and one.

William Rabb, eighty-four dollars.

To James Jamison, as arrears of a pension due him, one hundred and seventy-one dollars, forty-three and a fourth cents.

For repairs of the court house of Chester district, two hundred dollars.

III. *And be it further enacted* by the authority aforesaid, That the treasurer of the lower division of the treasury, under the direction of the comptroller general, and in his presence and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, and any three of the Judges of the Courts of Law or Equity, or in the presence of a majority of the persons above named, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State, now in the treasury, or that may be received previous to the next sitting of the Legislature, provided the same shall not exceed the sum of two thousand and sixty-one dollars, forty-three cents, to be burnt; and to report to the Legislature the amount of the medium which may be burnt.

Paper medium
to be burnt.

IV. *And be it further enacted* by the authority aforesaid, That the treasurer, on receiving any monies from the tax collector, or any other person of this State, shall give him or her two receipts for the same; and in case any treasurer shall neglect to furnish such person with two receipts as aforesaid, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, to be recovered, in any court having jurisdiction thereof, by the comptroller general.

Treasurer to
give two re-
ceipts.

V. *And be it further enacted* by the authority aforesaid, That the sum of twelve hundred dollars be appropriated for the salaries of two tutors in the South Carolina College.

Salaries of two
tutors in the
college.

For John C. Mikell, for this sum paid by him into the treasury as a fine, which has been remitted by resolve of the Legislature, one hundred dollars.

William Fairy, of Orangeburgh district, the sum of one hundred and fifty dollars.

For the Rev. Mr. Reid, for performing divine service during the session of the Legislature, one hundred dollars.

For the payment of registered claims, by virtue of an Act entitled "An act to raise supplies for the year 1806," two thousand nine hundred and eighty-three dollars fifty-nine cents; also the sum of two hundred and fourteen dollars twenty-eight cents, granted on the petition of Thomas W. Bacot, as attorney of James Warrington; and also the sum of one hundred and fifteen dollars, granted on the petition of Thomas Blackwood, executor of Andrew Vos, deceased; amounting in the whole to the sum of three thousand three hundred and thirteen dollars eighty-seven cents, with one half of the interest calculated thereon to the time of paying the same.

For the purchase of an additional quantity of gun-powder, five thousand dollars; to remain subject to the Governor's draught, he reporting to the Legislature his disbursements or applications thereof.

VI. *And be it further enacted* by the authority aforesaid, That so much of an Act entitled "An Act to entitle several persons therein mentioned to receive from the treasury certain sums therein specified, as pensioners," passed the twentieth of December, one thousand eight hundred, as relates to Paul Smith and John Pollack, Jr., be, and the same is hereby, repealed.

Part of a
former Act
repealed.

VII. *And be it further enacted* by the authority aforesaid, That so much of the Act entitled "An Act to make appropriations for the year one thousand eight hundred and seven," as authorized the payment of the balance of the liquidated debt on the Luxemburg claim, to such person as shall, at

Luxemburg
claim.

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the time of payment, be, in the opinion of the attorney-general, the lawful and regular administrator of the estate of the Prince of Luxemburg, according to the laws of this State, provided the same shall not be paid before the first of March, be, and the same is hereby, repealed; and that the aforesaid balance be kept and remain in the treasury of this State.

To Ephraim M'Bride, to be advanced to him on the conditions contained in a resolution of this branch of the legislature, to enable him to construct a spinning machine on the principles mentioned in a patent he holds from the United States, one thousand dollars.

For the repairs of Laurens court house and gaol, a sum not exceeding five hundred dollars.

To Daniel and Jacob J. Faust, for reprinting the laws from one thousand seven hundred and ninety-one, to one thousand eight hundred and four, both inclusive, one thousand five hundred and forty-eight dollars and fifty cents, including the expense of paper and binding the books.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight, and thirty-third year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1935. AN ACT to legalize the drawing of the Grand Jurors for Charleston: and for other purposes thereon mentioned.

(Passed December 19, 1809. See last volume.)

No. 1936. AN ACT FOR THE APPORTIONMENT OF THE REPRESENTATION AMONG THE SEVERAL DISTRICTS OF THIS STATE.

Preamble.

WHEREAS, it has been found expedient to amend the third, seventh and ninth sections of the first article of the constitution, and to establish a certain rule for the future representation of the several districts of the State, in the General Assembly thereof; and whereas, an Act for the above purposes entitled "An Act to alter the representation of this State," was duly passed and finally ratified, on the seventeenth day of December, in the year of our Lord one thousand eight hundred and eight:

Representation
apportioned.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That each and every of the several election districts in this State shall, at the next and all future elections, until a new apportionment of the representation be made by a future legislature, respectively elect the following number of representatives, to wit: Charleston, including St. Philip's and St. Michael's, sixteen representatives; Christ Church, one representative; St. John, Berkley, three representatives; St. Andrew's, one representative; St. George, Dorchester, one

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representative; St. James, Goose-creek, one representative; St. Thomas and St. Dennis, one representative; St. Paul, two representatives; St. Bartholomews, four representatives; St. James, Santee, two representatives; St. John, Colleton, two representatives; St. Stephen's, one representative; St. Helena, two representatives; St. Luke, two representatives; Prince William, two representatives; St. Peter, two representatives; All Saints, including its ancient boundaries, one representative; Winyaw, not including any part of All Saints, four representatives; Kingston, not including any part of All Saints, one representative; Williamsburgh, two representatives; Liberty, three representatives; Marlborough, two representatives; Chesterfield, one representative; Darlington, two representatives; York, three representatives; Chester, three representatives; Fairfield, four representatives; Richland, two representatives; Lancaster, two representatives; Kershaw, two representatives; Claremont, three representatives; Clarendon, two representatives; Abbeville, five representatives; Edgefield, six representatives; Newberry, four representatives; Laurens, four representatives; Union, three representatives; Spartan, four representatives; Greenville, four representatives; Pendleton, six representatives; St. Matthew's, one representative; Orange, two representatives; Winton, three representatives; and Saxegotha, two representatives.

II. *And be it further enacted* by the authority aforesaid, That in conformity to the provisions of the Act aforesaid to alter the representation of this State, the seats of those senators who under the constitution shall represent two or more election districts, on the day preceding the second Monday of October, which will be in the year one thousand eight hundred and ten, shall be vacated on that day; and that each and every of the said election districts heretofore jointly represented by one or more senators, shall, at the ensuing election to be holden on the second Monday and Tuesday of October, which will be in the year one thousand eight hundred and ten, and for ever after, at such times and in such manner as is provided by the constitution, elect one senator, as follows: Winyaw, one senator; Williamsburgh, one senator; Liberty, one senator; Kingston, one senator; Marlborough, one senator; Chesterfield, one senator; Darlington, one senator; Fairfield, one senator; Richland, one senator; Chester, one senator; Lancaster, one senator; Kershaw, one senator; Claremont, one senator; Clarendon, one senator; St. Matthew, one senator; and Orange, one senator. Senators.

[In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and the thirty-fourth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives*

AN ACT to provide for the more easy and expeditious administration of Justice in the Courts of this State. No. 1937.

(Passed December 19, 1809. See last volume.)

A.D. 1809.

No. 1938. AN ACT to alter and amend "An Act to incorporate Charleston," by an equal division of Wards; and directing the representation thereof in City Council to be apportioned on the principle of population and taxation; and for other purposes therein mentioned.

(Passed December 19, 1800. *See last volume.*)

No. 1939. AN ACT TO DIMINISH THE COST OF THE ATTORNIES, CLERKS AND SHERIFFS, IN CERTAIN CASES AT LAW THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of
 Costs reduced. the same, That from and after the passing of this Act, the cost of all and every suit at law, upon contract, be the same liquidated or on open account, which shall be brought and commenced within the summary jurisdiction of the court of common pleas in this State, and which suit shall be for a demand of not more than fifty dollars, shall be no more than one half of the sum or sums heretofore allowed by law to the attornies, clerks and sheriffs respectively; any law, usage or custom to the contrary thereof notwithstanding.

II. *And be it further enacted*, That no person whatever shall be obliged
 Bill of costs to be made out. or liable to pay the cost allowed by this Act, unless a fair account, containing all the items of such cost, shall have been duly taxed and certified by the clerk of the district, when demanded, wherein the suit has been instituted upon which such cost have accrued.

III. *And be it further enacted*, That if any person shall take or receive
 Penalty on over charge. any higher or greater cost than are allowed by this Act in such cases, such person shall forfeit and pay, for every such offence, the sum of fifty dollars, to be recovered in any court of record in this State; one half thereof to go the party aggrieved, and the other half to the State.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty-fourth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1940. AN ACT to amend and explain the Militia Laws of this State.

(Passed December 19, 1809. *See last volume.*)

A. D. 1809.

No. 1941.

AN ACT to authorize the City Council of Charleston to erect and build, within the enclosure of the city burial ground, lying without the city, on the borders of Ashley river, a substantial brick magazine, for the storing of gunpowder.

(Passed December 19, 1809. *See last volume.*)

AN ACT to incorporate the several Societies therein mentioned; and for other purposes. No. 1942.

(Passed December 19, 1809. *See last volume.*)

AN ACT TO PREVENT INDIVIDUALS BUILDING OR ERECTING HOUSES OR OTHER BUILDINGS ON THE PUBLIC SQUARES, WHEREON THE GAOLS AND COURT-HOUSES IN THE SEVERAL DISTRICTS ARE ERECTED; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1943.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person or persons shall hereafter erect, or cause to be erected, any dwelling-house, out-house, or other building, or shall erect, or cause to be erected, any kind of fence, wall or paling, of any kind, on any public lot or square above described, or who may hereafter hold, occupy or use any house, out-house, or other building, heretofore erected on such square or lot, he, she or they shall, for every such offence, upon being thereof legally convicted by indictment, be fined in a sum not less than one hundred dollars, nor more than one thousand dollars. Provided nevertheless, that the gaolers of the respective districts, who reside in the gaols, shall not be subject to such penalty for erecting or using any such buildings or fences for their private accommodation; and provided, that any person who has heretofore erected any such building or fence, shall not be subject to such penalty, provided he or she shall remove the same within six months from and after the passing of this Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty-fourth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A. D. 1809.

No. 1944. *AN ACT TO AMEND AN ACT ENTITLED "An Act to prevent the spreading of Contagious Distempers in the State," AND ALSO "An Act to amend the law respecting Quarantines."*

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met in General Assembly, and by the authority of the same, That the officer or officers who may be entrusted with the execution of the quarantine laws, be, and they are hereby, authorized and directed, in case of a violation, or an attempt to violate any, of the said laws, to board, by force of arms, any vessel used in such violation or attempt to violate, and to detain her and her crew and passengers; and that the penalty for a breach of any of the quarantine laws shall not be less than one hundred dollars, nor more than two thousand dollars; any law to the contrary notwithstanding.

II. *And be it enacted* by the authority aforesaid, That each and every pilot who shall bring, or attempt to bring, into any port in this State, any vessel, or the whole or any part of her crew, beyond the places appointed for her examination, without being examined agreeably to law, shall, in addition to the penalty of one hundred pounds sterling, to which he is subject by an Act of Assembly passed the twenty-sixth day of March, in the year one thousand seven hundred and eighty-four, be deprived of his branch as a pilot.

III. *And be it further enacted* by the authority aforesaid, That any vessel which shall be restrained under quarantine law, shall attempt to violate the same, may be fired upon and detained by force of arms.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty-fourth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1945. *AN ACT TO APPOINT CERTAIN COMMISSIONERS FOR RUNNING THE LINE BETWEEN THE PARISHES OF ST. JAMES, GOOSE-CREEK, AND ST. GEORGE, DORCHESTER.*

Preamble.

WHEREAS, the inhabitants of the upper part of the parish of St. James, Goose-creek, and St. George's, Dorchester, are subjected to many inconveniences from the division line between the said parishes not being fully ascertained and established:

Commissioners appointed

I. *Be it therefore enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Elisha Mallard, James Dehay, George Keckly, James R. Steward, David Rumph, senior, and Jeremiah Russell, be, and they are hereby appointed, commissioners for running the division line between the parishes of St. James, Goose-creek, and St. George, Dorchester; and the said commissioners, or a majority of them, shall proceed

A. D. 1809.

to run the said line, beginning at the corner of the lower line of the parish of St. George, and the upper line of St. Andrew's parish, where it intersects with the line of St. James parish, Goose-creek; from thence a direct north-west course, until it strikes the Four-hole swamp; after which the said commissioners, or a majority of them, are authorized and empowered to establish the channel of the said Four-hole swamp the remaining part of the boundary line between the said parishes of St. James, Goose-creek, and St. George's, Dorchester. And that they, the said commissioners, are hereby vested with full power and authority to employ one or more surveyors, not exceeding three, as they shall judge necessary, for running the aforesaid boundary and dividing line; and to allow the said surveyor or surveyors such compensation for his or their services as the said commissioners, or a majority of them, shall deem adequate for their services, not exceeding three dollars per day each.

II. *And be it further enacted* by the authority aforesaid, That the commissioners hereby appointed shall proceed forthwith in the business committed to them; and they are hereby directed, when the same shall be completed, to make a full report thereof to the legislature; and shall lodge an accurate survey of said line in the Secretary of State's office, in order that the same may be placed on record.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty-fourth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON *Speaker of the House of Representatives.*

AN ACT to incorporate the Presbyterian Church in the Parish of St. Philip's and State of South Carolina. No. 1946.

(Passed December 19, 1809. *See last volume.*)

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS, OR OTHER ARTICLES, AT OR NEAR THE PLACES ASSIGNED FOR DIVINE WORSHIP. No. 1947.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That no person or persons shall hereafter retail, sell or otherwise dispose of, any spirituous or other intoxicating liquors, within one mile of any church, meeting-house, or other place set apart for the worship of Almighty God, on the day or days of worship, under the penalty of fifty dollars, to be recovered, by action of debt or indictment, in any court having jurisdiction thereof, the money to be applied to the use of the poor of the parish or district in which such act shall be committed. Provided nevertheless, that this Act shall not be considered to interfere with or affect the rights of persons who may reside within one mile of such place of worship, and

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who may be licensed to retail such liquors according to law, so as to prevent their retailing at their own houses.

II. *Be it enacted* by the authority aforesaid, That from and immediately after the passing of this Act it shall not be lawful for the City Council of Charleston to require, on licenses to retail spirituous liquors, any other or greater tax than sixty dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty-fourth year of the Sovereignty and Independence of the United States of America

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No 1948. *AN ACT* TO AUTHORIZE WILLIAM AIKINS, FORMERLY SHERIFF OF YORK COUNTY, TO MAKE TITLES TO A CERTAIN TRACT OF LAND PURCHASED BY JOSEPH LEECH AT SHERIFF'S SALE.

WHEREAS, Joseph Leech, by his petition to the Legislature, has represented, that at a sale made by William Aikens, sheriff of York county, in the year of our Lord one thousand seven hundred and eighty-nine, he became the purchaser of a tract of four hundred acres of land, lying in York county, on both sides of Turkey creek, sold as the property or estate of David Leech, by virtue of an execution against the said David Leech, and that the said William Aikins neglected to make and execute titles therefor while in office.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said William Aikins, late sheriff of York county, shall be, and he is hereby, authorized and empowered to make and execute to the said Joseph Leech, good and sufficient titles for a tract of four hundred acres of land, situate in the late county of York, on both sides of Turkey creek; which said tract of land was sold by the said William Aikens, as sheriff of York county, as the estate of David Leech, by virtue of an execution in his hands, against the said David Leech, in favor of Barnett, and purchased at such sale by the said Joseph Leech; which title so to be made shall bear date from the time of the sale of the said land by the said William Aikins, as sheriff, to the said Joseph Leech.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty fourth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A. D. 1809.

No. 1949.

AN ACT TO EMPOWER CAPTAIN GEORGE GRACE AND OTHERS, IN THE DISTRICT OF GREENVILLE, TO ESTABLISH A LOTTERY TO RAISE MONEY FOR THE PURPOSE OF BUILDING A HOUSE FOR PUBLIC WORSHIP; AND TO EMPOWER THE VESTRY AND WARDENS OF THE EPISCOPAL CHURCH IN GEORGETOWN, WINYAW, TO ESTABLISH A LOTTERY FOR THE PURPOSE OF REPAIRING THE EPISCOPAL CHURCH IN GEORGETOWN, WINYAW.

WHEREAS, sunday inhabitants of Greenville district have petitioned the Legislature for permission and authority to establish a lottery to raise money for the purpose of building a house for public worship; and whereas, any encouragement to morals and the promotion of religion always conduces to the benefit of a State:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Captain George Grace, Colonel Reuben Nash, Captain Micajah Berry, Humphrey Cobb, and William Downs, Esq., shall have full power and authority, and they are hereby fully authorized and empowered, to erect and proceed to the drawing, and finally to conclude, a lottery, for the purpose of building a house for public worship, in the district of Greenville: Provided they do not, by the said lottery, raise a fund exceeding six hundred dollars.

Lottery in Greenville.

II. Whereas, the vestry and wardens of the Episcopal church of Georgetown, Winyaw, praying to be empowered to draw a lottery or lotteries for the purpose of repairing their church; *Be it therefore enacted* by the authority aforesaid, That the vestry and wardens of the Episcopal church of Georgetown, Winyaw, or a majority of them, shall have full power and authority, and they are hereby fully authorized and empowered, to erect and to proceed to the drawing of one or more lotteries, for the use and benefit of said institution: Provided, that the nett proceeds do not exceed the sum of five thousand dollars.

In Georgetown.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty-fourth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT to incorporate the Mount Pleasant Academy, in the parish of Christ Church, and to enable the trustees to recover a legacy for the education of the poor children of the said parish.

No. 1950.

(Passed December 19, 1809. *See last volume.*)

AN ACT to establish certain Roads, Bridges and Ferries, therein mentioned.

No. 1951.

(Passed December 19, 1809. *See last volume.*)

A. D. 1809.

No. 1952. AN ACT authorizing the president and trustees of the second Presbyterian Church of the city and suburbs of Charleston, to raise in aid of their funds for the building of a church, a sum of money by way of lottery.

(Passed December 19, 1809. *See last volume.*)

No. 1953. AN ACT TO GRANT PERMISSION TO THE HONORABLE JOSEPH BREVARD TO LEAVE THE STATE OF SOUTH CAROLINA FOR THREE MONTHS, BETWEEN THE FIRST OF MAY AND THE FIRST OF OCTOBER, IN THE YEAR 1810, OR 1811.

Preamble.

WHEREAS, the honorable Joseph Brevard, one of the associate judges, hath requested leave of absence from the State of South Carolina :

J. Brevard to
leave the State

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Joseph Brevard shall, and is hereby authorized to, leave and absent himself from the State for the term of three months, at any time between the first day of May and the first day of October, anno domini one thousand eight hundred and ten, or one thousand eight hundred and eleven; the said term of three months to be computed from the day of his departure; any law, usage or custom to the contrary thereof, notwithstanding.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and the thirty-fourth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1954. AN ACT TO REGULATE THE PLACE OR PLACES FOR HOLDING GENERAL ELECTIONS FOR MEMBERS OF THE LEGISLATURE, IN THE ELECTION DISTRICTS IN THIS STATE, AND FOR REPEALING ALL ACTS RELATIVE THERETO.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the place or places of holding the general elections in each election district, for a member or members to serve in either branch of the Legislature, shall be fixed by a joint resolution of the Senate and House of Represen-

tatives; any law, usage or custom to the contrary thereof, in any wise, notwithstanding. A. D. 1809.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and the thirty-fourth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH A WAREHOUSE AND INSPECTION FOR TOBACCO, No. 1955.

AND FOR THE RECEPTION OF COTTON AND OTHER PRODUCE, ON THE LANDS OF AARON FERREL, ON TOOGALOO RIVER, IN THE DISTRICT OF PENDLETON; AND FOR OTHER PURPOSES.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an inspection and warehouse for the inspection and reception of tobacco, and for the reception and storing of cotton and other produce, shall be established and erected on the lands of Aaron Ferrel, near Mullen's ford, on Toogaloo river, in the district of Pendleton, as soon as conveniently may be after the passing of this Act; which, in as far as the same relates to tobacco, shall be subject to all regulations and restrictions and conditions mentioned, set forth and expressed, in and by an Act of the Legislature entitled "An Act for regulating the inspection and exportation of tobacco," passed the thirteenth day of May, one thousand seven hundred and eighty-nine: Provided, that the expense of erecting and keeping in repair the said inspection, be at the cost and charge of the persons interested in the same.

Tobacco inspection and warehouse established on Toogaloo.

II. *And be it further enacted* by the authority aforesaid, That James Wood, Alexander Kilpatrick, John Varner, David Peu, Wm. W. Cochran, John Harrison and Aaron Ferrel, shall be, and are hereby appointed, commissioners to fix upon the most convenient place at or near Mullen's ford, on Toogaloo river, for the said inspection and warehouse. And that the said commissioners, or a majority of them, shall have power to choose inspectors for the warehouse, and to make such regulations respecting tobacco as are prescribed by law; and also such regulations as they, or a majority of them, shall deem expedient and necessary, with regard to the receiving and storing of cotton and other produce: Provided the rates of storage to be taken and received at said warehouse shall not exceed the rates of storage at present taken and received at the warehouse established at Andersonville.

Commissioners appointed.

III. *And be it enacted* by the authority aforesaid, That an inspection and warehouse for the inspection of tobacco, and for the storing of cotton and other produce, shall be established and erected at or near the old fort, on the land of Henry Burch, on Kæwee river, in the district of Pendleton, as soon as conveniently may be after the passing of this Act, which, in as far as relates to tobacco, shall be subject to all regulations, restrictions and conditions, mentioned, set forth and expressed in an Act of the Legislature entitled "An Act for regulating the inspection and exportation of tobacco," passed the thirteenth day of March, one thousand seven hundred and eighty-nine.

Inspection of tobacco and storing of cotton on Kæwee river.

A. D. 1869.

Commissioners
appointed.

IV. *And be it further enacted* by the authority aforesaid, That Micajah Clark, William Hardage and William M'Farland, shall be, and are hereby appointed, commissioners to fix upon the most convenient place at or near the old fort, on the land of Henry Burch, on Kæwee river, for the said inspection and warehouse; and that the said commissioners, or a majority of them, shall have power to choose inspectors for the said warehouse, and to make such additional regulations to those prescribed by the aforesaid Act, as they, or a majority of them, shall deem expedient and necessary.

Commissioners
empowered to
regulate the
storing of to-
bacco, &c.

V. *And be it enacted* by the authority aforesaid, That the said commissioners, or a majority of them, shall be, and they are hereby empowered, to make such regulations respecting the receiving and storing of cotton and other produce, as they may think fit.

Commissioners
for Granby.

VI. *And be it further enacted* by the authority aforesaid, That Friday Arthur, Henry E. Muller and Nicholas Hane, be, and they are hereby appointed, commissioners for the tobacco inspection at the warehouse in the town of Granby.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty-fourth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

No. 1956. *AN ACT* TO CHANGE AND ALTER THE NAME OF CHARLES RICHARDSON, OF CLAREMONT COUNTY, IN SUMTER DISTRICT, TO THAT OF CHARLES RICH.

WHEREAS, Charles Richardson, of Claremont county, in Sumter district, in the State of South Carolina, hath presented his petition to the General Assembly of the said State, praying to have his paternal name of Richardson altered, and changed to the name of Rich, agreeably to the request of his father, William Richardson, deceased:

I. *Be it therefore enacted*, by the honorable the Senate and members of the House of Representatives, now sitting in General Assembly, and by the authority of the same, That the paternal name of the said Charles Richardson shall be, and is hereby, changed and altered to the name of Rich; and that the said Charles Richardson shall hereafter be known and considered in law and equity, and in all other proceedings, by the name of Charles Rich, and by no other name whatever; and that his descendants, issue and posterity, shall bear and have the name of Rich, instead of Richardson.

II. *And be it further enacted*, That this Act shall be considered and holden a public Act, and noticed and regarded as such, without special pleading.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty-fourth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

A. D. 1809.

No. 1957.

AN ACT TO PERMIT WILLIAM GORDON TO PRACTISE LAW.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said William Gordon shall be permitted, from and after the passing of this Act, and that he is hereby enabled, authorized and empowered, to practise and plead law in the several courts of law and equity, as an attorney and solicitor in this State; any law, usage or custom to the contrary, notwithstanding.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and the thirty-fourth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT to alter and amend an Act entitled "Act to incorporate the Society commonly called and known by the name of the Fellowship Society," passed the 23d day of August, 1769. No. 1958.

(Passed December 19, 1809. *See last volume.*)

AN ACT to establish a Company for the inland navigation from Santee into Santee, and from Santee into Cooper or Wando River. No. 1959.

(Passed December 19, 1809. *See last volume.*)

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND NINE; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1960.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof.

II. *And be it enacted* by the authority aforesaid, That fifteen cents per centum ad valorem be paid in specie or paper medium on all lands granted within this State, under the several regulations hereinafter mentioned. Class No. 1 shall contain all tide swamp of the first quality, not generally affected by the salts or freshes, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality,

Rate of taxation on lands.

A. D. 1809.

not generally affected by the salts or freshes, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshes, which shall be rated at eight and one half dollars per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight and one half dollars per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; pine barren lands, adjoining or contiguous thereto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality to be rated at thirteen dollars per acre; the second quality at eight and one half dollars per acre; the third quality at four dollars per acre; excepting such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamps and low grounds lying above Snow Hill, and the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands lying on the Sea islands, (Stann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford, and the new boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one dollar and one half dollar per acre; and the second quality at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality at sixty cents per acre; and the third quality at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

III. *And be it enacted* by the authority aforesaid, That thirty-five cents per head shall be levied upon slaves, of all ages and descriptions; and the sum of two dollars per head upon all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved to the collector to be

Rate of taxing
slaves, &c.

incapable, from maims or otherwise, of providing their livelihood,) between the ages of fifteen and fifty; and fifteen cents ad valorem on every hundred dollars of the value of all lands and lots and buildings within any city, village, or borough; and thirty-five cents per centum on all stock in trade, fac-torage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted.)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium or specie.

IV. *And be it enacted by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, lia-* Slaves employ-
ed on Indian
lands.

But nothing in this Act contained shall be construed to impose any tax upon the property of the estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, or the Fellowship Society, or of the estate of the late Doctor De la Howe, devised for charitable purposes, and that part of the estate of the late Thomas Wadsworth which was devised for the establishment of a school, or the Clar-endon, or the High Hills of Santee, or the Camden Orphan Societies, or the Columbia Academy, or the lands and funds owned by the Free School of Dorchester, the public lands held by the corporation of Charleston, or of the lands and funds of any society applicable to education or the main-tenance of public schools; but that no houses owned or erected on the same by any private individuals, shall be exempted from paying taxes thereon, according to their full value, to be rated by the assessor or assessors in the respective collection districts.

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V. *And be it further enacted by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides with-out the limits of the United States, shall, for the use of this State, pay a triple tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any person now absent from the United States, unless such person has been absent for one year.*

Absentees
triple taxed.

VI. *And be it enacted by the authority aforesaid, That the tax col-lectors throughout this State receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first in-stance in gold and silver at the bank of the United States, the branch bank thereof in Charleston, the bank of South Carolina, the State Bank, or certain certificates for the pay of the members of the Legislature, or the Solicitors, for their attendance on the Legislature.*

What shall be
received for
taxes.

VII. *And be it enacted by the authority aforesaid, That each and every enquirer and assessor and collector shall, on their enquiry for their return of taxes of this State for the year one thousand eight hundred and nine, administer the following oath to all such persons as shall be liable to pay any of said taxes, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that the account which I now give in is a just and true account of the quality and quantity of the lands, and the number of slaves, on the first day of October, one thousand eight hundred and nine, in any man-ner whatsoever, which I am possessed of, interested in, or entitled to, either in my own right or in the right of any other person whomsoever, either as guardian, executor, agent, attorney, trustee, or in any man-ner whatsoever, according to the best of my knowledge and belief; and that I will give a just and true answer, according to the best of my knowl-*

Returns of all
property to be
made on oath.

A. D. 1809.

Tax on money
at interest.

edge, to all such questions as shall be asked me touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever." And upon the principal sum or sums of money at interest, the interest of which is actually received, over and above what each person pays on account of interest, the said assessor, enquirer or collector, or assessors, enquirers or collectors, to whom the same shall be returned, shall assess the sum of twelve and a half cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportionable sum on all other sums of money drawing less or more than seven per cent; to be recovered in like manner, in case of default, as the collectors are authorized by law heretofore to do on their returns of lands or slaves.

Property not
returned.

VIII. *And be it enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, they shall be liable to suffer the same forfeitures and pay the same penalties as are authorized by law in case of their refusing or neglecting to make a return of his, her or their lands or slaves.

Time of pay-
ment of the pa-
per medium.

IX. *And be it enacted* by the authority aforesaid, That the instalments on the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid as directed by an Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year one thousand eight hundred and eleven. Provided, that no person shall be entitled to the benefit of this clause who shall not give additional security to the treasurer in Charleston, in all cases where he is not fully satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has heretofore been due, or which may be made in paying the interest to grow due on the first day of March next.

Copies of this
Act to be fur-
nished.

X. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act, and of the Act supplementary to an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," to each of the collectors appointed by law throughout this State, within one month after the passing of this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

Sale of lands
postponed.

XI. *And be it enacted* by the authority aforesaid, That the Comptroller be, and he is hereby, required to postpone making sale of all lands directed to be sold by the twenty-third clause of an Act entitled "An Act supplementary to an Act entitled an Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," until the first day of January, one thousand eight hundred and eleven.

Times for mak-
ing returns
and paying
taxes.

XII. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, all persons liable to pay any taxes hereafter to be imposed by any law of this State, shall, on or before the first day of February in each and every year, give in a just and true return of all slaves, and of the quantity and quality of all lands, and monies at interest, as may be directed and required by the said laws, which they may hold or be entitled unto, in his, her or their own right, or the right of any other person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever; and shall, on or before the first day of May ensuing, pay their taxes to the collector of that collection district

where the party making such return, either by himself, his or her family, may reside the greater part of the year. And that the said assessors and collectors shall annually pay the same, and settle their accounts with the treasurer, on the first day of June next ensuing, so far as relates to the tax collectors of the lower division of the treasury.

A. D. 1809.

XIII. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums borrowed by them, and sales have been made of the lands mortgaged to secure the said loan, and the treasurers have bought in the said lands for defect of bidders, and the same remain as the property of the State, unproductive; and in other cases the property so sold has been purchased in by the mortgagors and others, who have not complied with the terms or conditions of the said sales; *Be it therefore enacted* by the authority aforesaid, That the treasurers aforesaid shall be, and they are hereby, authorized and directed to cause all the lands bought in as aforesaid on account of the State, and all lands purchased in by the mortgagors or other persons whomsoever who have not complied with the conditions of former sales of the said property, to be put up to sale, in the different districts in which they severally lie, by the sheriffs of the said districts, on a public sale day, after giving three months notice thereof, and shall sell the same to the highest bidder, who shall pay one fourth of the purchase money in cash, and the remaining three fourths in one and two years; for the performance of which he shall give his bond and a mortgage of the premises, and also personal security, to be approved by the sheriff and three commissioners, residing in such district, to be nominated by the treasurer. Provided, no sale of the mortgaged lands shall take place when any person interested in the same shall, previously to the day of sale, tender one third part of the sum due, together with the expenses incurred.

Mortgaged lands bought in on account of the State to be sold.

Proviso.

XIV. *And be it enacted* by the authority aforesaid, That on all sales made in pursuance of the next preceding clause, and under the authority thereof, the purchaser shall, immediately after the said property shall be knocked off to him, pay into the hands of the sheriff making the said sale a sum which shall at least be equal to ten per cent. upon the amount of his purchase, towards the payment thereof; and if he should fail or neglect to make such payment, the sheriff shall immediately set up the same property for public sale, upon the spot; and shall not, upon such re-sale, or any other sale of the same property made by virtue of this Act, receive the bid of the first purchaser or his agent. And that the sheriff shall, in all his advertisements of the property sold by virtue of this Act, on account of the paper medium loan, give notice that he will require the payment of the said ten per cent.; to the end that no persons inclined to purchase at the said sales may be ignorant thereof.

Terms of such sales.

XV. *And be it further enacted* by the authority aforesaid, That if any purchaser, after paying the percentage aforesaid, shall fail or neglect to comply with the terms of the sale, all money so paid shall be forfeited to the State; and shall be applied first to pay the costs and charges accrued or due upon the said sale, and the surplus, if any, shall be paid into the treasury of this State, in aid of the revenue thereof.

Forfeiture on not complying with the terms of such sales.

XVI. *And be it further enacted* by the authority aforesaid, That if any person shall at any re-sale made by the sheriff on account of the first or any former purchaser having failed or neglected to pay the percentage aforesaid, or to comply with the terms and conditions of the sale, such purchaser shall himself be bound by his purchase, and shall comply with this act, and the terms and conditions of such re-sale, and shall not be allowed to say, set up, or pretend, that he bought the same as agent for the first or any

Terms of sale when lands are re-sold.

A. D. 1800.

former purchaser. Provided always, that it shall be publicly proclaimed by the crier at such sale, that the same was to be on account and risque of the first or some former purchaser; and that the conditions and terms of the sale shall, in like manner, be proclaimed by him immediately before the property is set up.

Defaulters liable for any deficiency by such sales.

XVII. *And be it enacted* by the authority aforesaid, That in case of any re-sale made under the authority of the preceding clauses of this Act, on account or by reason of the non-payment of the ten per cent. hereby required to be paid, or on account of the non-compliance with the conditions and terms herein before prescribed, the person or persons for whose default the said re-sale shall be made, shall be, and he, she and they is and are hereby declared, liable for any deficiency which may happen between the first and any other subsequent sale of the said property; and the treasurers are hereby authorized and directed to commence suits for the recovery of any such deficiency.

Poor tax.

XVIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the tax collectors of this State to make, on the first Monday in September next, to the commissioners of the poor, in the parish or district in which any poor tax shall be by the said tax collectors respectively collected, a return of such poor tax, in like manner as they make returns of the public tax to the treasurers of this State. And it shall also be the duty of the said tax collectors to make a duplicate return to the comptroller general of the amount of the tax so collected and paid to the commissioners.

Transient poor fund of Charleston.

XIX. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed annually to call on the treasurer of the City Council of Charleston to render an account on oath to him of the application of such monies as are appropriated for the support of the transient poor, and for other purposes; and that the account so rendered be laid before the Legislature.

Tax collectors to return property lying in other divisions, for which taxes are paid them.

XX. *And be it enacted* by the authority aforesaid, That the several tax collectors in each fiscal division of the State shall exhibit, in some column of his return, the number of acres of land lying within their respective divisions, and the number of acres lying elsewhere, and for which taxes shall be paid them; in like manner they shall exhibit in other columns the number of negroes within their respective divisions, and of those elsewhere, and where, on which taxes shall be paid them; and in other separate columns exhibit the amount of taxes in their respective divisions, on every different article taxed by law; and the treasurers of each division, and the comptroller, shall preserve these columns in their aggregate of taxes to be laid before the next Assembly.

Taxes in the fork of Edisto.

XXI. *And be it enacted* by the authority aforesaid, That the inhabitants in the fork of Edisto shall henceforth pay their taxes to the tax-collector of Orange Parish, whose power and authority shall hereafter extend throughout the fork, up to the lower line of Edgefield district.

Return to be made by tax collectors.

XXII. *And be it enacted* by the authority aforesaid, That the tax collector for the parishes of St. Philip's and St. Michael's, Charleston, shall, on the first Monday in the months of April, May and June, in each and every year, make the following return to the treasurer of the lower division, "I, A. B., do solemnly swear (or affirm) that the sum of ——— dollars, by me now paid, is all the money which I have received on account of the general tax, since my last return." And on the first Monday in July, in each and every year, the said tax collector for St. Philip's and St. Michael's, Charleston, and for each and every tax collector in the upper division of the treasury of this State, and on the first Monday in June, in each and

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every year, each and every tax collector in the lower division of the treasury of this State, shall completely and finally close their several and respective returns, by paying over the full balance which may have been received by them, producing to the treasurer of the said upper and lower divisions of the treasury of this State, respectively, the sheriff's receipts for all executions lodged by them against defaulters; and if the sheriff's receipts, so produced, shall not satisfactorily account for the full balance due on the said return, then, and in such case, the treasurers in each division respectively shall be, and they are hereby, directed to enforce the means pointed out by the Act entitled "An Act declaring the duties and powers of the enquirers and assessors of the taxes, and other persons concerned therein," passed in the year of our Lord one thousand seven hundred and eighty-eight. And the said several tax collectors, upon closing their said returns, shall respectively take the following oath or affirmation, to wit: "I, A. B., do solemnly swear (or affirm) that the return I now make is a just and true return of all the taxable property made for the collection district of ———, and that the sum of ——— dollars, by me now paid, is the whole of the monies I have received for the general taxes of the said district, since my last return;" which oath or affirmation the treasurer shall impose, and cause to be endorsed on the said return.

Oath to be
taken by the
collectors.

XXIII. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed, annually to call on the several boards of commissioners of public buildings, and boards of commissioners for clearing, opening and rendering navigable the several rivers and creeks in this State, to render an account to him, on oath, of the application of such monies as are appropriated for the erection of public buildings, or the clearing, opening and rendering navigable the rivers and creeks of this State; and the accounts so rendered shall be laid before the legislature.

Commissioners
of public build-
ings and in-
land navigation
to account to
the Comptrol-
ler.

XXIV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the commissioners of the poor, and the commissioners of the roads, in the several districts and parishes within this State, by their secretary or treasurer, to render on oath to the clerks of the circuit courts in their respective districts, on or before the first Monday in September in every year, a correct account of all monies received by them, and the manner in which the same have been applied; and it shall be the duty of the clerks of the said courts respectively, to transmit certified copies thereof to the comptroller-general, to be by him laid before the Legislature. And in case the said commissioners shall fail to make their returns as required aforesaid, they shall respectively, as a board, forfeit and pay the sum of one hundred dollars; and the clerks of the respective courts shall, on failure of making the aforesaid returns, also forfeit and pay the sum of one hundred dollars; the aforesaid penalties, to be recovered, in any court of law having competent jurisdiction, by action of debt.

Commissioners
of the poor and
of the roads to
account to the
clerks of
courts.

XXV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the attorney-general, and each of the solicitors of the different circuits, to certify to the comptroller-general, on or before the first Monday in October in every year, the fines and forfeitures which have been had or inflicted by the courts upon his circuit, within the year next preceding the day aforesaid; and that it shall be the duty of each of the clerks of the several circuit court districts, to return to the comptroller-general, on or before the same day in every year, an account, upon oath, of all the fines and forfeitures which have been inflicted, had, or received within his district court, of the manner how appropriated or remitted, and to pay over to the treasurer of the State the balance in hands on that day; that in

Attorney-gene-
ral and solic-
itors to account
to the comp-
troller.

A. D. 1809.

case of the failure of any clerk to render such account, he shall forfeit and pay the sum of two hundred dollars, to be recovered in any court having competent jurisdiction; and it shall be the duty of the comptroller to direct the attorney-general or solicitors, as the case may be, to sue for and recover the aforesaid sum, of such clerk as shall fail to render such account.

Penalty for not performing said duty.

XXVI. *And be it further enacted* by the authority aforesaid, That should the said attorney-general and solicitors not perform the duty required in the aforesaid clause, they shall be subject to a penalty of one hundred dollars, to be recovered in any court of law having competent jurisdiction.

Comptroller to stay proceedings against certain persons

XXVII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, directed to stay proceedings against George Robertson, as executor of William Robertson, Daniel Dubose and Richard Winn; Provided, the said George Robertson, as executor of William Robertson, Dubose and Winn, shall give full and ample security for the payment of the amount of the judgments against them. And provided also, this indulgence be not so construed as to destroy the lien of the executions already issued against the property of the said George Robertson, as executor to William Robertson, Dubose and Winn; and that the comptroller be, and he is hereby, authorized to extend the same indulgence granted to the persons above named to Hugh Milling and Gasper Trotti, and all the securities of Daniel D'Oyley.

Vendue tax Acts repealed.

XXVIII. *Be it further enacted* by the authority aforesaid, That so much of the Ordinances and Acts of this State as direct and declare that a duty or tax shall be levied and collected on sales at vendue, shall be, and the same are hereby, repealed.

City Council to levy a tax on sales at vendue.

XXIX. *And be it further enacted* by the authority aforesaid, That the City Council of Charleston be, and it is hereby, authorized and empowered to levy and impose any duty or tax they may think fit and proper, on sales at vendue within the corporate limits of the said city of Charleston; provided nevertheless, the said duty or tax be not imposed or levied on any sales of such property as has heretofore been exempted from said duty or tax.

Tax on billiard tables in Columbia.

XXX. *And be it further enacted* by the authority aforesaid, That no person hereafter shall be permitted to keep a public billiard table in the town of Columbia, unless such person shall have obtained a license from the intendant and wardens of the said town, and shall have paid the sum of five hundred dollars, to the said intendant and wardens, for the use of the said town; and every person or persons presuming to keep a public billiard table, before he, she or they shall have obtained such license, and shall have paid the said sum of five hundred dollars, every such person, being thereof convicted, shall forfeit and pay the sum of two thousand dollars, to be recovered in any court of record in this State.

Fine on foreign agents underwriting any policy of insurance in this State.

XXXI. *And be it further enacted* by the authority aforesaid, That from and after the first day of February next, any person or persons underwriting any policy of insurance in this State, as the agent or agents of any foreign insurance company, shall forfeit the sum of five hundred dollars for every policy so effected; and any citizen or citizens of this State, effecting a policy of insurance on property within this State, with any insurance company out of the limits of the United States, shall forfeit the sum of one thousand dollars for every such offence; which sum shall be recovered in any court within this State having competent jurisdiction, one half to the use of the State, and the other half to the use of the informer:

Provided, nothing herein contained shall be construed to extend to marine insurances or mercantile adventures.

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In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty-fourth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND NINE. No. 1961.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of public officers, and other expenses and purposes of government. Appropriations

For the salary of the Governor, two thousand five hundred and seventy-two dollars.

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of six Judges of the courts of common pleas, each two thousand five hundred and seventy two dollars—in the whole, fifteen thousand four hundred and thirty-two dollars.

For the salaries of five Judges of the Court of Equity, eleven thousand five hundred and seventy-six dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full recompense for the discharge of all public duties incident to his office, as Attorney General, one thousand dollars.

For the salaries of four Circuit Solicitors, each, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, each five hundred dollars—in the whole, two thousand dollars.

For the salary of the Comptroller-general, two thousand five hundred dollars.

For the salaries of the Comptroller-general's clerks, and the stationary requisite for his office, one thousand and six hundred dollars.

For the salary of the Treasurer of Charleston, as Treasurer, and for transacting the business of the Loan Office, and Clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salary of the Clerk of the Senate, and the Clerk's salary of the House of Representatives, each twelve hundred and thirty dollars; in the whole, two thousand four hundred and sixty dollars.

As a compensation for the Clerk of the Court at Columbia, one hundred and forty dollars.

As a compensation to the commissioner in equity, for his attendance on the appeal court in equity at Columbia, one hundred dollars.

As a compensation for the Clerk of the Court at Charleston, one hundred and forty dollars.

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As a compensation for the Sheriff of Richland district, for attending the Constitutional Court and the Court of Equity at Columbia, one hundred dollars.

As a compensation for the Sheriff of Charleston district, for attending the Constitutional Court at Charleston, fifty dollars.

For the keeper of the State House at Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, fifteen hundred dollars.

For the salaries of nine Brigade Inspectors, each two hundred and sixteen dollars—in the whole, one thousand nine hundred and forty-four dollars.

As a compensation for the Arsenal keeper and powder receiver, in the city of Charleston, three hundred dollars.

For the salary of the Port Physician of Charleston, for boat hire and all other expenses appertaining to the said office, one thousand dollars.

As a compensation for the Arsenal keeper and powder receivers for Abbeville, Camden, Georgetown and Beaufort, each fifty dollars—in the whole, two hundred dollars.

For the contracts of the State Printer, a sum not exceeding one thousand one hundred and fifty-eight dollars.

As a compensation for the Pilot of the bar and harbour of Georgetown, three hundred and twenty-three dollars.

As a compensation for the pilot of the bar and harbor of Beaufort, three hundred and twenty-two dollars.

For Annuities, seven thousand dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary for the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

As a contingent fund subject to the Governor's draft, he submitting an annual account of the expenditure thereof, ten thousand dollars.

For the expenses of the Members of the Legislature at the present session, and pay of the Solicitors for their attendance, thirteen thousand five hundred dollars—if so much be necessary.

As compensation for two Doorkeepers to the Legislature, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars.

As a compensation for two Messengers, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars; to be paid at the adjournment of the legislature.

For rent of the Governor's house at Columbia, two hundred and fifty dollars.

For aid in supporting the transient poor in Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller, and by him submitted to the legislature.

For the discharge of the contingent expenses of the upper division, a sum not exceeding five thousand dollars.

For the discharge of the contingent expenses of the lower division, a sum not exceeding six thousand dollars.

11. *Be it enacted* by the authority aforesaid, That the several sums

hereinafter stated, be appropriated for paying the several persons herein named, to wit :

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To Jacob Holland, eighty-five dollars, seventy-two cents.

To Andrew Young, twenty-one dollars, forty-three cents.

For Peter Smith, one hundred and sixty-two dollars, forty-one cents, with interest.

For Dr. Jos. Kirkland, one hundred and forty-one dollars, being his account for medicine and attendance on the magazine guard, and prisoners in the gaol of Charleston.

For John Buchanan, Richard Winn and others, nine hundred and fifty-three dollars, fourteen cents, on account of bond given for county courthouse in Fairfield.

For Alexander Kincaid, two hundred and sixty-one dollars, sixty-seven cents, being reimbursement of money paid for land sold under mortgage to loan office, also costs of suit in defending the same ; said amount to be paid on his re-conveying said land to the State, by good and sufficient title, to be approved of by the comptroller.

For Julius Nichols, twenty-seven dollars.

For Samuel Dunlap, twenty-six dollars, seventeen cents, being amount of account passed at the last session of the legislature.

For the repairs of the gaol of Lancaster district, two hundred and fifty dollars. The commissioners of public buildings for said district, are authorized to superintend said repairs.

For Francis Laffilly, one hundred and twenty-two dollars, forty-three cents, for a negro executed.

For the deficiency in the appropriation of the last year, for the quota of militia ordered on duty, five hundred dollars.

To Robert Hutchison, in behalf of sundry persons for guarding the gaol of Laurens district, twenty-five dollars, fifty cents.

III. *And be it further enacted* by the authority aforesaid, That the pay hereinafter to be provided for the support and maintenance of the magazine guard, shall be restricted to that of an officer, sergeant and six men ; and that the sum of two thousand two hundred dollars be appropriated for the payment of the said guard, under the direction of the comptroller general.

Magazine
guard.

For building a house or houses for the accommodation of the professors of the South Carolina College, eight thousand dollars : the said sum to be subject to the draft of the board of trustees.

IV. *And be it further enacted* by the authority aforesaid, That the sum of one thousand four hundred dollars be, and the same is hereby, appropriated for the repairs of the court house in Chesterfield district ; and that Allen Chapman, William Powe, and Alexander Craig, be, and they are hereby appointed, commissioners to contract for and superintend the said repairs ; and that the sum of one thousand dollars be, and the same is hereby, appropriated for the repairs of the court house and gaol in Beaufort district ; and that Col. John Cuthbert, Col. James M'Pherson and Charles J. Jenkins be, and they are hereby appointed, commissioners to superintend the same.

Commissioners
appointed.

V. *And be it enacted* by the authority aforesaid, That the treasurer of the lower division of the treasury, under the direction of the comptroller general, and in his presence and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, and any three of the Judges of the Courts of Law or Equity, or in the presence of a majority of the persons above named, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State, now

Paper medium
to be burnt.

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in the treasury, or that may be received previous to the next sitting of the Legislature, provided the same shall not exceed the sum of two thousand and sixty-one dollars, to be burnt; and to report to the Legislature the amount of the medium which may be burnt.

Treasurer to
give two re-
ceipts.

VI. *And be it enacted* by the authority aforesaid, That the treasurer on receiving any monies from the tax collector, or any other person of this State, shall give him or her two receipts for the same; and in case any treasurer shall neglect to furnish such person with two receipts as aforesaid, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, to be recovered, in any court having jurisdiction thereof, by the comptroller general.

Salaries of two
tutors in the
college.

VII. *And be it further enacted* by the authority aforesaid, That the sum of twelve hundred dollars be appropriated for the salaries of two tutors in the South Carolina College.

To defray the expenses incurred by running out the dividing lines between the districts of Kershaw and Fairfield, agreeably to an Act passed the 19th of December, one thousand eight hundred and seven, thirty-four dollars.

VIII. *Be it enacted* by the authority aforesaid, That the sum of eighty dollars be allowed William Knox, for a mare killed at the Congaree fort, in the service of this country.

For Henry Richbourg, for an account audited by him, for which no indent was issued, agreeable to a resolution of the legislature, passed at their last session, for which no appropriation was then made by law, five hundred and ninety-three dollars, twenty-five cents.

For the repairs of the gaol of Marlborough district, two hundred dollars.

For the repairs of tables and benches of the court house of Kershaw district, forty dollars.

For the repairs of tables and benches of the court house of Colleton district, forty dollars.

For the repairs of the gaol of Pendleton district, three hundred dollars.

For the repairs of the lazaretto at Charleston, sixteen hundred dollars.

For building a brick court house for the district of Abbeville, four thousand dollars; the old court house to be sold, and the money to be paid to the treasury: and that James Wardlaw, George Bowie, William Leslie, John C. Calhoun and Joseph Black, be, and are hereby appointed, commissioners to contract for and superintend the building of the said court house.

For repairing the court house in Charleston, five thousand dollars.

For repairing Sumter court house, three hundred dollars.

For the repairs of the court house and gaol of Laurens district, sixty dollars.

To John Rosborough, the balance of account, one hundred and seventy dollars and fifty-eight cents

To James and Elizabeth Kennedy, for a negro executed, one hundred and twenty-two dollars and forty-four cents.

To John Bird, for himself and as administrator of his brother, for services during the war, six hundred and sixty-five dollars, including interest to the first day of January next.

To William Thompson, fifty-two dollars, the amount of a double tax paid by him to the State, he having, before he was double taxed, paid his tax to the collector of Spartanburgh district instead of York, through mistake.

IX. *Be it enacted* by the authority aforesaid, That John Praytor, Simon Lee and David Buckhalter, be placed on the pension list, and draw a pension each, from the first day of March, one thousand eight hundred and eight.

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And that the sum of sixty dollars and fifty cents be, and the same is hereby, appropriated to be paid to Captain John Hart; and the sum of thirty-nine dollars, seventy-two cents, to James M'Gowen; agreeably to a resolution of both houses, bearing date December the seventeenth, one thousand eight hundred and eight.

J. B. Earle, for a negro executed, one hundred and twenty-two dollars, forty-three cents.

Tim. Barton, ditto, one hundred and twenty-two dollars, forty-three cents.

C. C. Ash, ditto, one hundred and twenty-two dollars, forty-three cents.

Leonard Dozier, do. one hundred and twenty-two dollars, forty-three cents.

Richard Gains, do. one hundred and twenty-two dollars, forty-three cents.

John Rose, do. one hundred and twenty-two dollars, forty-three cents.

Joseph Woods, sheriff of Darlington, balance of account, forty-two dollars, three cents.

Thomas Tuckett, for a negro executed, one hundred and twenty-two dollars, forty-three cents.

For the amount of a judgment obtained against Richard Winn and others, late justices of Fairfield county, founded on a bond given by them for building the court house of Fairfield county, nine hundred and fifty-three dollars, and fourteen cents.

For Job Henderson, four hundred and forty-one dollars, twenty-five cents.

For the trustees of Ann Buyck, conformably to the resolution of the legislature, fourteen thousand six hundred and nineteen dollars, fifty-eight cents.

For John Moncrief, three hundred and thirteen dollars.

For William Thompson, fifty-two dollars, thirty-five cents.

For James and Elizabeth Kennedy, one hundred and twenty-two dollars, forty-three cents.

For the executors of Anthony Toomer, six hundred and twenty-one dollars, fifty cents.

As a compensation to D. & J. J. Faust, for printing extracts of the journals of the senate, two hundred and fifty dollars.

To William Smith, for a negro executed, one hundred and twenty-two dollars, forty-four cents.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty-fourth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

AN ACT TO ALTER AND AMEND AN ACT ENTITLED "*An Act for regulating the inspection and exportation of Tobacco; and for other purposes therein mentioned.*" No. 1962.

WHEREAS, great loss and injury frequently accrues to the citizens of his State from the present mode of inspecting tobacco, inasmuch if the
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I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That where any hogshead or parcel of tobacco shall be brought to any public tobacco inspection or warehouse for view, on inspection the inspector or inspectors shall cause the same to be classed, according to the qualities thereof; that is to say, the first, second and third quality; and shall weigh, receive and give a note for the same, according to quality of the tobacco and class to which it belongs; and shall not cause or condemn any tobacco to be burnt or destroyed.

II. *And be it further enacted*, That so much of the Act for regulating the inspection and exportation of tobacco, and for other purposes therein mentioned, passed the thirteenth day of March, one thousand seven hundred and eighty-nine, as is repugnant to this Act, be, and the same is hereby, repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and ten, and in the thirty-fifth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 1963. *AN ACT TO LESSEN THE SECURITY REQUIRED TO BE GIVEN BY THE COMMISSIONERS OF LOCATIONS.*

WHEREAS, the sum at present required by law to be given by the commissioners of locations, as security for the performance of the duties of their office, is unreasonably large:

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act the commissioners of locations who may be hereafter appointed in the respective districts in this State, shall give bond to the treasurer in the sum of one thousand dollars, with two sureties in the sum of five hundred dollars each, for the faithful performance of the duties of their office, instead of the sum at present required by law.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and ten, and in the thirty-fifth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 1964. *AN ACT to incorporate the Union Bank of South Carolina.*
(Passed December 19, 1810. *See last volume.*)

A. D. 1810.

No. 1965.

AN ACT TO DEFINE AND ESTABLISH THE COMPENSATION WHICH SHERIFFS SHALL IN FUTURE RECEIVE FOR DIETING NEGROES CONFINED IN GAOL ; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for each negro confined and dieted in any gaol of this State, twenty-five cents per diem shall be allowed to the sheriff who shall have charge thereof, in lieu of all other claims on the part of the said sheriff, for such detention and dieting.

II. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act it shall be the duty of the sheriffs of the several districts in this State, and they are enjoined and required, to advertise in the Carolina Gazettes, in Charleston, all such negroes as are in their custody, once in every week for three months ; and on failure thereof shall forfeit such compensation for dieting and detention as they would otherwise by this Act be entitled to receive.

III. *And be it further enacted* by the authority aforesaid, That if any sheriff shall in future hire out, or permit any negro who may be in his custody to go or be without the walls of the gaol of such district of which he is sheriff, shall, for every such offence, being thereof convicted, be fined a sum not less than one hundred dollars, nor more than two hundred dollars ; any law, usage or custom to the contrary hereof notwithstanding.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and ten, and the thirty-fifth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA HOMESPUN COMPANY TO ESTABLISH A LOTTERY OR LOTTERIES FOR THE BENEFIT OF THE SAID COMPANY.

WHEREAS, it has been represented by the president and directors of the South Carolina Homespun Company, that permission to raise, by one or more lotteries, a sum of money, would greatly aid the said company in the completion of their views, agreeably to the intention of their charter :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said board of directors of the South Carolina Homespun Company is hereby empowered and authorized to establish and proceed to draw, and finally conclude, one or more lottery or lotteries, for the purpose aforesaid. Provided, there shall not be raised, by means hereof, a sum exceeding eighteen thousand dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and ten, and in the thirty-fifth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

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No. 1967. AN ACT to incorporate the Protestant Episcopal Society for the advancement of Christianity in South Carolina.

(Passed December 19, 1810. See last volume.)

No. 1968. AN ACT authorizing the building of a Bridge over Cooper River, at Clement's Ferry.

(Passed December 19, 1810. See last volume.)

No. 1969. AN ACT AUTHORIZING THE GAOLERS OF CHARLESTON, WILLIAMSBURG, MARION AND HORRY DISTRICTS, TO RECEIVE AND TAKE CHARGE OF PERSONS LIABLE TO BE COMMITTED IN GEORGETOWN DISTRICT; AND FOR BUILDING A GAOL IN THE TOWN OF GEORGETOWN.

Prisoners in
Georgetown,
how to be con-
fined.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in all cases where any person or persons shall be apprehended and liable to be committed according to law in the district of Georgetown, they and each of them shall and may be committed to the gaol of either of the adjoining districts of Charleston, Williamsburg, Marion, or Horry, until a gaol or proper place of confinement be built, and put into a state fit for the reception of prisoners, in the district of Georgetown; and the gaolers of each or either of the aforesaid districts of Charleston, Williamsburg, Marion and Horry, shall be, and are hereby, authorized and bound to receive and take charge of such person or persons apprehended and liable to be committed as aforesaid in the said district of Georgetown; and shall be, and are hereby, authorized to demand and receive such fee or fees for the receiving and safe keeping of any person or persons so apprehended, and liable to be committed in the said district of Georgetown, as though the said person or persons had been apprehended and liable to be committed in either of the respective districts of Charleston, Williamsburg, Marion or Horry.

How to be
brought up for
trial.

II. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the respective sheriffs of the districts of Charleston, Williamsburg, Marion and Horry, to deliver up to the sheriff of Georgetown district, or to his regular deputy, on the order of the said sheriff, any person so apprehended and confined in either of the respective gaols of the aforesaid districts, in order that the said prisoner may, by the said sheriff, be brought up before the court for trial, or otherwise dealt with as the said court of Georgetown district shall order and adjudge.

Appropriation
for building
goal in George-
town.

III. *And be it further enacted* by the authority aforesaid, That a sum not exceeding seven thousand dollars be, and is hereby, appropriated for the building a good and sufficient gaol in the town of Georgetown; and that Thomas Chapman, Savage Smith, John L. Wilson, John Shackelford

and William Grant, be appointed commissioners, who, or a majority of whom, are hereby authorized and empowered to contract for and have built, under their immediate direction and superintendence, a substantial gaol of brick; and from time to time to draw for and receive the whole, or any part, of the aforesaid sum of seven thousand dollars, to be by them appropriated, according to their discretion, towards the building of the said gaol in the town of Georgetown.

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In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and ten, and in the thirty-fifth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE CERTAIN SOCIETIES TO RAISE A SUM OF MONEY BY LOTTERY; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1970.

WHEREAS, James Garvin the president, and Barnet H. Brown the secretary, of the Savannah River Literary Society, in behalf of the said society, have petitioned for leave to raise a sum of money by lottery for the benefit of the said society:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That James Garvin president, and Barnet H. Brown secretary, and the members of the Savannah River Literary Society, and their successors, as a body corporate in law, under the name of the Savannah Literary Society, shall have full power and authority, and they are hereby fully authorized and empowered, to erect and proceed to the drawing and finally to conclude a lottery, for the use and benefit of the said society: Provided, they do not by the said lottery raise a sum exceeding two thousand dollars; and that Lewis S. Hay, Washington Bryan, Michael Brown, William Black, and James R. Vince be, and they are hereby appointed, commissioners to manage and conduct said lottery.

Lottery authorized for the Savannah River Literary Society.

II. And whereas, John A. Cuthbert president, James Postell treasurer, and John Riley secretary, of the Beaufort District Society, in behalf of the said society, have petitioned the Legislature, praying to be permitted to raise a sum of money by lottery, for the purpose of building a school in the said district of Beaufort; *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John A. Cuthbert the president, James Postell treasurer, and John Riley secretary, of the Beaufort District Society, and their successors, as a body corporate in law under the name of the Beaufort District Society, shall have full power and authority, and they are hereby fully authorized and empowered, to erect and proceed to the drawing, and finally to conclude one or more lotteries, for the purpose of building a school in Beaufort district: Provided, the sum to be raised by the said lottery or lotteries do not exceed five thousand dollars.

For school in Beaufort.

III. Whereas, William Burnside, Zachariah Bailey, James Memehan, James Young and William Lowe, have by their petition set forth that Thomas Wadsworth, late of Charleston, deceased, did by his last will and testament order and direct that sundry tracts of land should be conveyed

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Wadsworth-
ville school in-
corporated.

by his executors to certain trustees, who should further convey the said lands to any five persons who should be elected by the freemen residing in Laurens district, in the lower battalion of the 9th regiment, and second brigade of the upper division of said State, to be holden by such five persons and their successors in trust for the purpose of raising a fund for the annual support of a free school, to be situated within the bounds of said battalion; that the said lands have been conveyed according to the direction of the testator, and a school house erected; and that at an election held on the tenth day of March 1809, the said petitioners were returned duly elected as trustees for the said purposes; and praying that they may be incorporated for the purpose of carrying fully into effect the execution of the aforesaid trust; *Be it therefore enacted* by the authority aforesaid, That the said petitioners, and their successors in office, appointed or elected, or to be appointed or elected, according to the form and manner to be prescribed by the said petitioners, shall be, and they are hereby, incorporated as a body politic and corporate, in deed and in law, by the name of the trustees of the Wadsworthville poor school, for the purpose of carrying into effect the aforesaid trust; and shall have perpetual succession of officers and members; and that they may have a common seal, with power to change, alter and make new the same; and by its corporate name to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this State; and to make rules and by-laws, not repugnant or contrary to the laws of the land, as, for the good order and proper government of the said corporation, may by them be thought proper and necessary.

IV. *And be it further enacted*, That all lotteries which have been granted during the present session of the Legislature, or which may hereafter be granted, shall be, and are hereby declared to be, forfeited, unless the same shall have been drawn and completed within the term of five years from the date of the grant.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and ten, and thirty-fifth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 1971. AN ACT to authorize the Intendant and Wardens of the City of Charleston to widen Motte-street, and to open Kinlock's Court as a street; and for other purposes therein mentioned.

(Passed December 20, 1810. *See last volume.*)

No. 1972. AN ACT to incorporate the several Societies, and for other purposes therein mentioned.

(Passed December 20, 1810. *See last volume.*)

A. D. 1810.

No. 1973.

AN ACT TO REGULATE AND ASCERTAIN THE RATES OF LANDING, STORING AND WEIGHING OF PRODUCE IN THE TOWN OF GEORGETOWN; AND FOR ABOLISHING THE INSPECTION OF CERTAIN ARTICLES THEREIN MENTIONED IN CHARLESTON AND GEORGETOWN.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act the following rates and sums respectively shall be paid, and no greater shall be demanded or exacted by owners of wharves, or any other persons, for wharfage, or for landing, weighing and storing any of the articles herein-after mentioned, upon the wharves in Georgetown. For landing every barrel of rice, four cents per barrel; weighing every barrel of rice, six cents per barrel; shipping every barrel of rice, four cents per barrel; for storing every barrel of rice, eight cents per week for the first and last weeks, and four cents for each intermediate week. And for storing of whole barrels, half the price of whole barrels. For landing every bale or case of cotton, four cents per bale or case; for weighing every bale or case of cotton, six cents per bale or case; for shipping every bale or case of cotton, four cents; for storing every bale or case of cotton, eight cents per bale or case, for the first and last weeks, and four cents per week for every intermediate week. For landing every barrel of tar, pitch and turpentine respectively, one cent; for shipping every barrel of tar, pitch and turpentine respectively, one cent. For landing each and every hundred bushels of corn, peas, potatoes, oats, wheat and rye respectively, thirty-one and a quarter cents; for storing of each and every hundred bushels of corn, peas, potatoes, oats, wheat and rye respectively, per week, thirty-one and a quarter cents; for shipping of every hundred bushels of corn, peas, potatoes, oats, wheat and rye respectively, thirty one and a quarter cents.

Rates of storing and weighing produce in Georgetown.

II. *And be it further enacted* by the authority aforesaid, That no greater rates or sums respectively shall be paid, and no greater shall be demanded or exacted, for the wharfage, landing, weighing, storing and shipping of any articles not herein particularly named and mentioned, than are now or may hereafter be by law required and demanded at Charleston for like articles respectively.

III. *And be it further enacted* by the authority aforesaid, That from and after the first day of January next, there shall be no inspection in Charleston and Georgetown, of produce, naval stores, lumber, or any other article (tobacco excepted,) brought to market from the interior country, unless the person or persons so bringing to market and offering for sale any such produce, naval stores, lumber, or any other articles as aforesaid, do consent to the inspection thereof; in which case, the inspectors shall as heretofore receive such fees as are now established by law.

Inspection abolished.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and ten, and the thirty-fifth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

A. D. 1810.

No. 1974. *AN ACT TO INCREASE THE NUMBER OF JUSTICES OF THE QUORUM AND JUSTICES OF THE PEACE, IN SEVERAL DISTRICTS IN THIS STATE.*

Preamble. *WHEREAS, it is expedient and necessary to increase the number of justices of the quorum and of the peace, in several districts and parishes in this State :*

Number of justices of the peace and quorum increased. *I. Be it therefore enacted, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the number of justices of the quorum and of the peace, in the several districts and parishes in this State hereafter mentioned, shall be increased in manner following, that is to say :*

For the parish St. Mathews, two Justices of the quorum and two justices of the peace.

For Newberry district, two justices of the quorum.

For Chester district, one justice of the quorum.

For Edgefield district, two justices of the quorum and two justices of the peace.

For Union district, three justices of the peace.

For St. Helena, two justices of the quorum and two justices of the peace.

For Marion, two justices of the quorum and four justices of the peace.

For Pendleton, three justices of the quorum and three justices of the peace.

For St. George's, Dorchester, three justices of the quorum.

For Winyaw, three justices of the quorum and three justices of the peace.

For St. James, Santee, one justice of the quorum.

For York, two justices of the quorum.

For Barnwell, one justice of the quorum.

For the parishes of St. Philips and St. Michaels, Charleston district, five justices of the quorum and five of the peace.

For the parish of St. James, Goose-creek, one justice of the quorum and two justices of the peace.

For Fairfield district, one justice of the quorum and two justices of the peace.

For Laurens district, one justice of the quorum and three of the peace.

For Darlington district, two justices of the quorum.

For the county of Orange, one justice of the quorum.

For Marlborough district, one justice of the quorum.

For the parish of St. Johns, Colleton, two justices of the quorum and two justices of the peace.

For Kingston, four justices of the peace.

For Lexington, two justices of the quorum and two justices of the peace.

Oath of office. *II. Whereas, it has occurred that many justices of the peace and quorum in the different districts of this State, from misapprehension of the law directing the mode of taking the oaths of office, have taken the said oaths of office before a justice of the peace or quorum only, instead of taking the same before two justices, one whereof being of the quorum, as required by law ; Be it therefore enacted by the authority aforesaid, That the qualifications of the justices of the quorum and peace, who have taken the oath of office before one justice of the quorum or peace only, shall be good and*

valid in law, for the time such justice of the quorum or peace shall have been appointed; and that all the acts and proceedings of such justices of the quorum and peace, shall be good and effectual in law, as if the said justices had been duly qualified according to the laws of this State.

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III. *Be it enacted* by the authority aforesaid, That the clerks of the courts and notarys public, in their several districts of this State, shall be justices of the quorum in all cases, except for the trial of small and mean causes.

In the Senate House, the nineteenth of December, in the year of our Lord one thousand eight hundred and ten, and in the thirty-fifth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*"

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT to incorporate the Planters and Mechanics Bank of South No. 1975.
Carolina.

(Passed December 19, 1810. *See last volume.*)

AN ACT establishing a Court of Equity in and for the District of No. 1976.
Beaufort; and for other purposes.

(Passed December 19, 1810. *See last volume.*)

AN ACT to establish certain Roads, Bridges and Ferries; and for No. 1977.
other purposes therein mentioned.

(Passed December 20, 1810. *See last volume.*)

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUN- No. 1978
DRED AND TEN; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof.

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Rate of taxation on lands.

II. *And be it further enacted* by the authority aforesaid, That fifteen cents per centum ad valorem be paid in specie or paper medium on all lands granted within this State, under the several regulations hereinafter mentioned. Class No. 1 shall contain all tide swamp of the first quality, not generally affected by the salts or freshes, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by the salts or freshes, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshes, which shall be rated at eight dollars and fifty cents per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight dollars and fifty cents per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; pine barren lands, adjoining or contiguous thereto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality to be rated at thirteen dollars per acre; the second quality at eight dollars and fifty cents per acre; the third quality at four dollars per acre; excepting such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamps and low grounds lying above Snow Hill, and the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands lying on the Sea islands, (Slann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford, and the new boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one dollar and fifty cents per acre; and the second quality at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality at sixty cents per acre; and the third quality at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as

houses and lots in Charleston, and in a relative proportion to lands in the country. A.D. 1810.

III. *And be it enacted* by the authority aforesaid, That thirty-five cents per head shall be levied upon slaves, of all ages and descriptions; and the sum of two dollars per head upon all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved to the collector to be incapable, from mums or otherwise, of providing their livelihood,) between the ages of fifteen and fifty; and fifteen cents ad valorem on every hundred dollars of the value of all lands and lots and buildings within any city, village, or borough; and thirty-five cents per centum on stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium or specie. Rate of taxing slaves, &c.

IV. *And be it further enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property of the estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, or the Fellowship Society, or of the estate of the late Doctor De la Howe, devised for charitable purposes, and that part of the estate of the late Thomas Wadsworth which was devised for the establishment of a school, or the Clarendon, or the High Hills of Santee, or the Camden Orphan Societies, or the Columbia Academy, or of the lands and funds owned by the Free School of Dorchester, the public lands held by the corporation of Charleston, or of the lands and funds of any society applicable to education or the maintenance of public schools; but that no houses owned or erected on the same by any private individuals, shall be exempted from paying taxes thereon, according to their full value, to be rated by the assessor or assessors in the respective collection districts. Slaves employed on Indian lands.

V. *And be it enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a triple tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any person now absent from the United States, unless such person has been absent for one year. Exceptions.

VI. *And be it further enacted* by the authority aforesaid, That the tax collectors throughout this State receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance in gold and silver at the bank of the United States, the branch bank thereof in Charleston, the bank of South Carolina, the State Bank, Union Bank, Planter's and Mechanic's Bank, or certain certificates for the pay of members of the Legislature, or the Solicitors, for their attendance on the Legislature. Absentees triple taxed.

VII. *And be it further enacted* by the authority aforesaid, That each and every enquirer and assessor and collector shall, on their enquiry for their return of taxes of this State for the year one thousand eight hundred and ten, administer the following oath to all such persons as shall be liable to pay any of said taxes, viz: "I, A B, do solemnly swear (or affirm, as the case What shall be received for taxes.

Returns of all property to be made on oath.

A. D. 1810.

Tax on money
at interest.

may be) that the account which I now give in is a just and true account of the quantity and quality of the lands, and the number of slaves, on the first day of October, one thousand eight hundred and ten, in any manner whatsoever, which I am possessed of, interested in, or entitled to, either in my own right or in the right of any other person whomsoever, either as guardian, executor, agent, attorney, trustee, or in any manner whatsoever, according to the best of my knowledge and belief; and that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked me touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever." And upon the principal of every sum or sums of money at interest, the interest of which is actually received, over and above what each person pays on account of interest, the said enquirer, assessor or collector, or assessors, enquirers and collectors, to whom the same shall be returned, shall assess the sum of twelve and a half cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportionable sum on all other sums of money drawing less or more than seven per cent; to be recovered in like manner, in case of default, as the collectors are authorized by law heretofore to do on their returns of lands and slaves.

Property not
returned.

VIII. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, he, she or they shall be liable to suffer the same forfeitures and pay the same penalties as are required by law in case of their refusing or neglecting to make a return of his, her or their lands or slaves.

Time of pay-
ment of the pa-
per medium.

IX. *And be it further enacted*, That the instalments on the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid as directed by an Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and twelve. Provided, that no person shall be entitled to the benefit of this clause who shall not give additional security to the treasurer in Charleston, in all cases where he is not satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has been heretofore due, or which may be made in paying the interest to grow due on the first day of March next.

Copies of this
Act to be fur-
nished.

X. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act, and of the Act supplementary to an Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," to each of the collectors appointed by law throughout this State, within one month after the passing of this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

Times for ma-
king returns
and paying
taxes.

XI. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, all persons liable to pay any taxes hereafter to be imposed by any law of this State, shall, on or before the first day of February in each and every year, give in a just and true return of all slaves, and of the quantity and quality of all lands, and monies at interest, as may be directed and required by the said laws, which they may hold or be entitled unto, in his, her or their own right, or in the right of any other person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever; and shall, on or before the first day of May ensuing, pay his, her or their taxes to the collector of that collection

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Mortgaged
lands bought
in on account
of the State to
be sold.

Proviso.

Terms of such
sales.

Forfeiture on
not comply-
ing with
the terms of
such sales.

Terms of sale
when lands
are re-sold.

district where the party making such return, by himself, his or her family, may reside the greater part of the year. And that the said assessors or collectors shall annually pay the same, and settle their accounts with the treasurer, on the first day of June next ensuing, so far as relates to the tax collectors of the lower division of the treasury.

XII. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums borrowed by them, and sales have been made of the lands mortgaged to secure the said loan, and the treasurers have bought in the said lands for defect of bidders, and the same remain as the property of the State, unproductive; and in other cases the property so sold has been purchased in by the mortgagors and others, who have not complied with the terms and conditions of the said sales; *Be it therefore enacted* by the authority aforesaid, That the treasurers aforesaid shall be, and they are hereby, respectively authorized and directed to cause all lands bought in as aforesaid on account of the State, and all lands purchased by the mortgagors or other persons whomsoever who have not complied with the conditions of former sales of the said property, to be put to sale, in the different districts in which they lie, by the sheriffs of the said districts, on a public sale day, after giving three months notice thereof, and shall sell the same to the highest bidder, who shall pay one fourth of the purchase money in cash, and the remaining three fourths in one and two years; for the performance of which he shall give his bond and a mortgage of the premises, and also personal security, to be approved of by the sheriff and three commissioners, residing in such district, to be nominated by the treasurer. Provided, no sale of the mortgaged lands shall take place where any person interested in the same shall, previous to the day of sale, tender one third part of the sum due, together with the expenses incurred.

XIII. *And be it enacted* by the authority aforesaid, That on all sales made in pursuance of the next preceding clause, and under the authority thereof, the purchaser shall, immediately after the property shall be knocked off to him, pay into the hands of the sheriff making the said sale a sum which shall at least be equal to ten per cent. upon the amount of his purchase, towards the payment thereof; and if he should fail or neglect to make such payment, the sheriff shall immediately set up the same property for public sale, upon the spot; and shall not, upon such re-sale, or any other sale of the same property made by virtue of this Act, receive the bid of the first purchaser or his agent. And the sheriff shall, in all his advertisements of the property sold by virtue of this Act, on account of the paper medium loan, give notice that he will require the payment of the said ten per cent.; to the end that no persons inclined to purchase at the said sales may be ignorant thereof.

XIV. *And be it enacted* by the authority aforesaid, That if any purchaser, after paying the percentage aforesaid, shall fail or neglect to comply with the terms of sale, all money so paid shall be forfeited to the State; and shall be applied first to pay the costs and charges accrued or due upon the said sale, and the surplus, if there shall be any, shall be paid into the treasury of this State, in aid of the revenue thereof.

XV. *And be it further enacted* by the authority aforesaid, That if any person shall at any re-sale by the sheriff on account of the first or any former purchaser having failed or neglected to pay the percentage aforesaid, or to comply with the terms and conditions of the sale, such purchaser shall be bound by his purchase, and shall comply with this Act, and the terms and conditions of such re-sale, and shall not be allowed to say, set up, or pretend, that he bought the same as agent for the first or any

A. D. 1810.

former purchaser. Provided, that it shall be publicly proclaimed by the crier at such sale, that the same was to be on account and risque of the first or some former purchaser; and that the conditions and terms of the sale shall, in like manner, be proclaimed by him immediately before the property is set up.

Defaulters liable for any deficiency by such sales.

XVI. *And be it further enacted* by the authority aforesaid, That in case of any re-sale made under the authority of the preceding clauses of this Act, on account or by reason of the non-payment of the ten per cent. hereby required to be paid, or on account of the non-performance of the conditions and terms herein before prescribed, the person or persons for whose default the said re-sale shall be made, shall be, and he, she and they are hereby declared, liable for any deficiency which may happen between the first and any subsequent sale of the said property; and the treasurers are hereby authorized and directed to commence suits for the recovery of any such deficiency.

Poor tax.

XVII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the tax collectors of this State to make, on the first Monday in August next, to the commissioners of the poor, in the parish or district in which any poor tax shall be by the said tax collectors respectively collected, a return of such poor tax, in the like manner as they make returns of the public tax to the treasurers of this State. And it shall also be the duty of the said tax collectors to make a duplicate return to the comptroller general of the amount of the tax so collected and paid to the commissioners.

Transient poor fund of Charleston.

XVIII. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed annually to call on the treasurer of the City Council of Charleston to render an account on oath to him of the application of such monies as are appropriated for the transient poor, and for other purposes; and that the account so rendered be laid before the Legislature.

Tax collectors to return property lying in other divisions, for which taxes are paid them.

XIX. *And be it enacted* by the authority aforesaid, That the several tax collectors in each fiscal division of the State shall exhibit, in some column of his return, the number of acres of land lying within their respective divisions, and the number of acres lying elsewhere, and for which taxes shall be paid them: in like manner they shall exhibit in other columns the number of negroes in their respective divisions, and of those elsewhere, and where, on which taxes shall be paid them; and in other separate columns exhibit the amount of taxes in their respective divisions, on every different article taxed by law; and the treasurers of each division, and the comptroller, shall preserve these columns in their aggregate of taxes to be laid before the next Assembly.

Return to be made by tax collectors.

XX. *And be it enacted* by the authority aforesaid, That the tax collector for the parishes of St. Philip's and St. Michael's, shall, on the first Monday in the months of April, May and June, in each and every year, make the following return to the treasurer of the lower division, "I, A. B., do solemnly swear (or affirm) that the sum of ——— dollars, by me now paid, is all the money which I have received on account of the general tax, since my last return." And on the first Monday in July, in each and every year, the said tax collector for the parishes of St. Philip's and St. Michael's, and each and every tax collector in the upper division of the treasury of this State, and on the first Monday in June, in each and every year, each and every tax collector in the lower division of the treasury of this State, shall completely and finally close their several and respective returns, by paying over the full balance which may have been received by him or them, producing to the treasurer of the said upper and lower divi-

sions of the treasury of this State, respectively, the sheriff's receipts for all executions lodged by them against defaulters; and if the sheriff's receipts, so produced, shall not satisfactorily account for the full balance due on the said return, then, and in such case, the treasurers in each division respectively shall be, and they are hereby, directed to enforce the means pointed out by the Act entitled "An Act declaring the duties and powers of the enquirers and assessors of the taxes, and other persons concerned therein," passed in the year of our Lord one thousand seven hundred and eighty-eight. And the said several tax collectors, upon closing their said returns, shall respectively take the following oath or affirmation, to wit: "I, A. B., do solemnly swear (or affirm) that the return I now make is a just and true return of all the taxable property made for the collection district of ———, and that the sum of ——— dollars, by me now paid, is the whole of the monies I have received for the general taxes of the said district, since my last return;" which oath or affirmation the treasurer shall impose, and cause to be endorsed on the said return.

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Oath to be
taken by the
collectors.

XXI. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed, annually to call on the several boards of commissioners of public buildings, and boards of commissioners for clearing, opening and rendering navigable the several rivers and creeks in this State, to render an account to him, on oath, of the application of such monies as are appropriated for the erection of public buildings, or the clearing, opening and rendering navigable the rivers and creeks of this State; and the accounts so rendered shall be laid before the legislature.

Commissioners
of public build-
ings and in-
land navigation
to account to
the Comptrol-
ler.

XXII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the commissioners of poor, and the commissioners of the roads, in the several districts and parishes within this State, by their secretary or treasurer, to render on oath to the clerks of the circuit courts in their respective districts, on or before the first Monday in September in every year, a correct account of all monies received by them, and the manner in which the same have been applied; and it shall be the duty of the clerks of the said courts respectively, to transmit certified copies thereof to the comptroller-general, to be by him laid before the Legislature. And in case the said commissioners shall fail to make their returns as required aforesaid, they shall respectively, as a board, forfeit and pay the sum of one hundred dollars; and the clerks of the respective courts shall, on failure of making the aforesaid returns, also forfeit and pay the sum of one hundred dollars; the aforesaid penalties to be recovered, in any court of law having competent jurisdiction, by action of debt. And it shall be the duty of the attorney-general and solicitors, in their respective circuits, to enquire of the clerks of the respective district courts whether the aforesaid commissioners of the poor, and commissioners of the roads, have made their returns to the clerks as aforesaid; and enquire of the comptroller-general whether the clerks of the respective courts have made the returns above required; and in case the commissioners and clerks as aforesaid have not made their returns as above directed, then, the attorney-general or solicitor, as the case may be, is hereby directed and required to sue for, and recover on behalf the State, the penalty which is by this Act declared.

Commissioners
of the poor and
of the roads to
account to the
clerks of
courts.

XXIII. *And be it further enacted* by the authority aforesaid, That the comptroller-general shall publish in the Carolina Gazette a list of such commissioners and clerks as have neglected to make their returns as above required, for the last year; and provided the said commissioners and clerks do not make their returns on or before the first day of September next, it

Names of
defaulters to be
published.

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shall be the duty of the attorney-general or solicitor, as the case may be, to sue for and recover the penalties to which they have been heretofore declared liable; excepting the commissioners of St. Philip's and St. Michael's parishes, who shall account to the City Council of Charleston as heretofore.

Tax collectors to make payment to the commissioners of the poor.

XXIV. *And be it further enacted* by the authority aforesaid, That each and every tax collector shall pay to the commissioners of the poor, on the first Monday of August in every year, all the monies which have been or may be collected by them for the use of the poor, the said commissioners or their treasurer, except where such monies have been otherwise appropriated by law, under the penalty of the forfeiture of ten dollars for every day they may fail in so doing; to be recovered in any court having competent jurisdiction, to go to the use of the poor of the said district or parish wherein said default shall be committed.

Names of all persons who pay tax to be transmitted to the clerks of courts.

XXV. *And be it enacted* by the authority aforesaid, That it shall, be and is hereby declared to, be the duty of the comptroller general, as speedily as the same can be done, to make out, from the returns of the tax collectors, and transmit to the clerks of the several courts in the several districts of this State, the names of all persons who shall have made returns for the year 1809, together with the tax paid by the said persons, to the end that the persons paying such tax may have an opportunity of comparing their receipts with the same. And it shall be the duty of the clerks of the said courts, on application of any person for an inspection of the said statement so transmitted to him by the comptroller general, to produce the same; and in case any clerk shall neglect or refuse, without reasonable excuse, to exhibit the same, when demanded in office hours, by any person or persons paying a tax in the said district, he shall be subject to a penalty of ten dollars, to be recovered in any court having competent jurisdiction; one half to the informer, the other half to the treasury of this State. And the comptroller general, for this service thus required of him, shall receive the sum of two hundred dollars.

Amount of tax paid to be specified in words.

XXVI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of every tax collector to specify in words, at length, the sum paid by every person for his general tax; distinguishing what every person may pay for poor, or bridge tax, in the receipts to be given by every tax collector to those persons who may pay a tax to him.

Attorney-general and solicitors to account to the comptroller.

XXVII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the attorney-general, and each of the solicitors of the different circuits, to certify to the comptroller-general, on or before the first Monday in October in every year, the fines and forfeitures which have been had or inflicted by the courts upon his circuit, within the year next preceding the day aforesaid; and that it shall be the duty of each of the clerks of the several circuit court districts, to return to the comptroller-general, on or before the same day in every year, an account, upon oath, of all the fines and forfeitures which have been inflicted, had, or received within his district court, of the manner how appropriated or remitted, and to pay over to the treasurer of the State the balance in hands on that day; that in case of failure of any clerk to render such account, he shall forfeit and pay the sum of two hundred dollars, to be recovered in any court having competent jurisdiction; and it shall be the duty of the comptroller general to direct the attorney-general or solicitors, as the case may be, to sue for and recover the aforesaid sum, of such clerk as shall fail to render such account.

Penalty for not performing said duty.

XXVIII. *And be it enacted* by the authority aforesaid, That should the said attorney-general or solicitors not perform the duty required by

the aforesaid clause, they shall be subject to a penalty of one hundred dollars, to be recovered in any court having competent jurisdiction.

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XXIX. *And be it further enacted* by the authority aforesaid, That so much of an Act entitled "An Act to raise supplies for the year one thousand eight hundred and nine, and for other purposes therein mentioned," as prevents the underwriting any policy of insurance in this State, by the agent or agents of any foreign insurance company, or inflicts any penalty on any person for underwriting or effecting any such policy, be, and the same is hereby, repealed.

Part of a former
Act repealed.

XXX. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act the clerk of every circuit court in this State shall be authorized, and he is hereby required, to draw an order on and send an express to the treasurer at Columbia or Charleston, which ever place may be nearest to the court house of said district, for so many copies of the Acts of the Legislature as the said district may be entitled to by law; and the said clerk shall deliver, upon application, to each person in said district who may be entitled to the same, one copy of said Acts; the person who rides the said express shall receive three dollars for every forty miles he shall ride in going to or returning upon the said service.

The Acts of
Assembly to be
sent for by the
clerks of
courts.

XXXI. *And be it further enacted*, That it shall be the duty of the printer for the State, on or before the 15th of February, in each and every year hereafter, and the clerk of every district court shall draw the aforesaid order on the treasurer as aforesaid, and have the said Acts in his possession for distribution on or before the tenth day of March in each and every year hereafter.

Acts to be
printed by the
15th of Februa-
ry.

XXXII. *And be it further enacted* by the authority aforesaid, That the parish of Christ Church shall be, and the same is hereby, added to the collection district of St. Thomas and St. Dennis; and that the tax collector for St. Thomas and Dennis shall be, and he is hereby, authorized to collect the taxes of the parish of Christ Church.

XXXIII. *And be it further enacted* by the authority aforesaid, That the tax collector for the parish of St. Helena be, and he is hereby, required to pay over to the commissioners of the poor for the Island of St. Helena and Lady's Island, all the money which by him may in future be collected from the inhabitants of said Islands on account of poor rates. And the tax collectors of St. Helena are hereby required to pay over to said commissioners all the money which may have heretofore been collected on the said Islands on account of poor rates, and which may have been paid to the said town council; provided, however, that the town council of Beaufort be, and they are hereby, authorized to deduct from such money all sums which may have been paid to the poor of the said Islands of St. Helena and Lady's Island; and also be authorized to return to the said Islands any poor who may have removed from them to the town of Beaufort, or the Island of Port Royal, since the first day of January one thousand eight hundred and four.

Monies re-
ceived on ac-
count of poor
rates on St.
Helena and
Lady's island
how to be dis-
posed of.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and ten, and in the thirty-fifth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

A. D. 1810.

No. 1979. *AN ACT* TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TEN.

Appropriations I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of public officers, and other expenses of government.

For the salary of the Governor, two thousand five hundred and seventy-two dollars.

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of six Judges of the courts of common pleas, each two thousand five hundred and seventy-two dollars—in the whole, fifteen thousand four hundred and thirty-two dollars.

For the salaries of five Judges of the Court of Equity, eleven thousand five hundred and seventy-six dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full recompense for the discharge of all public duties incident to his office, as Attorney General, one thousand dollars.

For the salaries of four Circuit Solicitors, each, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, each five hundred dollars.

For the salary of the Comptroller-general, two thousand five hundred dollars.

For the salaries of the Comptroller-general's clerks, and the stationary requisite for his office, one thousand six hundred dollars.

For the salary of the Treasurer of Charleston, as Treasurer, and for transacting the business of the Loan Office, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salary of the Clerk of the Senate, and the Clerk's salary of the House of Representatives, each twelve hundred and thirty dollars; in the whole, two thousand four hundred and sixty dollars.

As a compensation to the commissioner in equity, for his attendance on the appeal court in equity at Columbia, one hundred dollars.

As a compensation for the Clerk of the Court at Columbia, one hundred and forty dollars.

As a compensation for the Clerk of the Court of Charleston, for attending the Constitutional Court of Charleston, one hundred and forty dollars.

As a compensation for the Sheriff of Richland district, for attending the Constitutional Court and the Court of Equity at Columbia, one hundred dollars.

As a compensation for the Sheriff of Charleston district, for attending the Constitutional Court and the Court of Appeals at Charleston, one hundred and fifty dollars.

For the keeper of the State House at Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, fifteen hundred dollars.

For the salaries of nine Brigade Inspectors, each two hundred and six-

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teen dollars—in the whole, one thousand nine hundred and forty-five dollars.

As a compensation for the Arsenal keeper and powder receiver, in the city of Charleston, three hundred dollars.

For the salary of the Port Physician of Charleston, for boat hire and all other expenses appertaining to said office, one thousand dollars.

As a compensation for the Arsenal keepers and powder receivers for Abbeville, Cam-len, Georgetown and Beaufort, each fifty dollars—in the whole, two hundred dollars.

For the contracts of the State Printer, a sum not exceeding fifteen hundred dollars.

As a compensation for the pilot of the bar and harbor of Beaufort, three hundred and twenty-two dollars.

For Lyon Levi, while he continues clerk in the treasury office, in addition to such salary as shall be allowed him by the treasurer, four hundred dollars.

As a compensation for the Pilot of the bar and harbour of Georgetown, three hundred and twenty-two dollars.

For Annuities, seven thousand dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary for the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

As a contingent fund subject to the Governor's draft, he submitting an annual account of the expenditure thereof, six thousand dollars.

To defray the expenses of the quota of Militia of this State, if called for and ordered to be encamped for training, seven thousand dollars.

For the expenses of the Members of the Legislature at their present session, and pay of the Solicitors for their attendance, thirteen thousand five hundred dollars—if so much be necessary.

As a compensation for two Doorkeepers to the Legislature, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars.

As a compensation for two Messengers, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars; to be paid at the adjournment of the legislature.

For the rent of the Governor's house at Columbia, two hundred and fifty dollars.

For aid in supporting the transient poor in Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller, and by him submitted to the legislature.

For the discharge of the contingent expenses of the upper division, a sum not exceeding six thousand two hundred and eighty-three dollars, thirty-one cents.

For the discharge of the contingent expenses of the lower division, a sum not exceeding five thousand five hundred and seventy-five dollars, forty-three cents.

II. *And be it further enacted* by the authority aforesaid, That the pay hereinafter to be provided for the support and maintenance of the magazine guard, shall be restricted to that of an officer, sergeant and six men; guard. and that the sum of two thousand two hundred dollars be appropriated

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for the payment of the said guard, under the direction of the comptroller general.

Paper medium
to be burnt

III. *And be it enacted* by the authority aforesaid, That the treasurer of the lower division of the treasury, under the direction of the comptroller general, and in his presence and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, and any three of the Judges of the Courts of Law or Equity, or in the presence of a majority of the persons above mentioned, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State, now in the treasury, or that may be received previous to the next sitting of the Legislature, provided the same shall not exceed the sum of two thousand and sixty-one dollars, to be burnt; and to report to the Legislature the amount of the medium which may be burnt.

Treasurer to
give two receipts.

IV. *And be it enacted* by the authority aforesaid, That the treasurer on receiving any monies from the tax collector, or any other person, shall give him or her two receipts for the same; and in case any treasurer shall neglect to furnish such person with two receipts as aforesaid, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, to be recovered, in any court having jurisdiction thereof, by the comptroller general.

Salaries of two
tutors in the
college.

V. *And be it further enacted*, That the sum of twelve hundred dollars be appropriated for salaries of two tutors in the South Carolina College.

For John Parr, for repairs and alterations to Senate committee rooms, book case, &c. one thousand four hundred and thirty-six dollars.

Members in
Congress to
solicit a change
of stock.

VI. *And be it further enacted* by the authority aforesaid, That the members in Congress from this State be, and they are hereby, required to solicit, from the government of the United States, an exchange of their stock which is now held by this State, for an equal amount of their stock of a transferable nature.

Debt of this
State to be
purchased.

VII. *And be it further enacted* by the authority aforesaid, That so much of the money in the treasury as is unappropriated by law, be, and the same is hereby, appropriated for the purchase of the debt of this State.

Balance of
debt how to
be paid.

VIII. *And be it further enacted* by the authority aforesaid, That so much of the debt of this State as shall remain unpaid (after the payments directed in the next preceding clause shall have been made) shall be, and the same is hereby directed to be, paid and extinguished with so much of the transferable stock of the United States as shall be necessary therefor, and which shall or may be obtained in exchange for the stock of the United States which is now held by this State.

Duty enjoined
on the comp-
troller.

IX. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, directed to carry into effect the three next preceding clauses of this Act.

Professorship
of chemistry
established in
the college.

X. *And be it further enacted*, That the sum of sixteen hundred dollars is hereby appropriated for the support of a professor of chemistry and natural philosophy in the South Carolina College, subject to the disposition of the trustees of the said college.

For the repairing and fitting up an office for the clerk of the court in the court house at Georgetown, one hundred and seventy dollars.

For Thomas Perkins, formerly tax collector for Cheraw district, for costs expended in and about defending a suit brought against him in equity, by John Lewis Gervais, in behalf of the State, the sum of seventy-five dollars.

The sum of two hundred dollars for repairing the court house in Marlborough district; and that Drury Robertson, Robertson Carloss, Tristram Thomas, Thomas Evans and J. R. Irvine, be, and are hereby appointed, commissioners to superintend the repairing of the same.

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For repairing court house and gaol in Lexington district, five hundred and twenty-five dollars.

Repairing gaol in district of Abbeville, two hundred and fifty dollars.

Repairing gaol and court house in district of Orange, one thousand dollars.

Repairing court house in Richland district, thirteen hundred dollars.

Repairing court house in Union district, three hundred dollars.

Robert Ware, on account of deficiency of land purchased at sale on account of loan office, one hundred and seventy-two dollars, seventy-five cents.

Alexander Kincaid, do. do. eleven dollars.

Yates & Phillips, repairing house adjoining State house, eleven hundred and thirty-seven dollars, sixty-three cents.

James Johnson, for carrying managers return of election of sheriff of Union to the Governor, thirty dollars.

James R. Irvin, for a negro executed, if he produce letters of administration, one hundred and twenty-two dollars, forty cents.

Joseph Birch, for a negro executed, one hundred and twenty-two dollars, forty cents.

Andrew Young, for arrearages of pension, one hundred dollars.

John Henderson, for revolutionary services, four hundred and forty-one dollars.

C. J. Steedman, for attending court of appeals in Charleston, last year, one hundred dollars.

Attornies employed by commissioners of Saxegotha, six hundred dollars.

Edward Collier, purchase money refunded in expenses that accrued in prosecuting title to land, two thousand six hundred and twelve dollars, ninety-eight and an half cents.

Corporation of Columbia, for buying an engine, seventeen hundred dollars.

P. H. Peraut, for services as astronomer, four hundred dollars.

John Moffatt, for confiscated land purchased of State, sixteen hundred and eighteen dollars, fifty-seven cents.

Edward McDonald, for wounds received during Revolution, three hundred dollars.

Rev. Mr. Reid, for performing divine service during session, one hundred dollars.

Estate of John Grayham, for indentured servants lost, two hundred and eighty dollars, twenty-three cents.

Estate George Grayham, do. do. ninety-nine dollars, twenty-six cents.

For Thomas Taylor, Captain of Richland troop, for payment of guard conveying Rochell and Fley from Columbia to Camden, sixty dollars.

Corporation of Charleston, in aid of their funds and in consequence of the late fire, four thousand dollars.

Robert Chisholm, for a negro executed, one hundred and twenty-two dollars, forty cents.

Hugh Knox, balance of an account reported by comptroller-general, thirteen dollars, ninety-three cents.

Moses Landus, for arrearages of pension since eighteen hundred and four, forty-three dollars.

XI. *And be it further enacted* by the authority aforesaid, That the said sum of money heretofore appropriated for the repairing or building the gaol and court house of Barnwell district, shall be, and the same is ordered to be, paid by the comptroller-general to the draft of the commissioners appointed to superintend the repairing or building the same, or to the order of a majority of them.

Court house at
Barnwell.

A. D. 1810.

For the purpose of carrying into effect any measures which may be required on the part of this State for ascertaining and fixing the boundary between North and South Carolina, in conformity to and in compliance with a resolution adopted at the last session of the legislature, three thousand dollars.

For William Nicks, for his pay as a soldier during the Revolutionary War, one hundred and ninety-two dollars and sixty-six cents.

For William Dorsay, for his pay as a soldier during the Revolutionary War, one hundred and ninety-two dollars and sixty-six cents.

For Thomas Nichols, for his pay as a soldier during the Revolutionary War, one hundred and ninety-two dollars and sixty-six cents.

For Absalom Wafford, for his pay as a soldier during the Revolutionary War, one hundred and ninety-two dollars and sixty-six cents.

For Isaac Robertson, for his pay as a soldier during the Revolutionary War, one hundred and ninety-two dollars and sixty-six cents.

That a sum not exceeding fifty dollars be appropriated to enlarge or make new the grand jury box at Spartanburgh court house; and that Abner Benson, James Brennon and Thomas Allison, be appointed commissioners to superintend the same.

For John Leving, for his pay as a soldier during the Revolutionary War, one hundred and ninety-two dollars and sixty-six cents.

For Samuel Stegal, for his pay as a soldier during the Revolutionary War, one hundred and ninety-two dollars and sixty-six cents.

For Daniel Stewart, for his pay as a soldier during the Revolutionary War, one hundred and ninety-two dollars and sixty-six cents.

For Absalom Hooper, for his pay as a soldier during the Revolutionary War, one hundred and ninety-two dollars and sixty-six cents.

For Martin Martin, for his pay as a soldier during the Revolutionary War, one hundred and ninety-two dollars and sixty-six cents.

For erecting a flight of stone steps to the State house, fifteen hundred dollars.

For other repairs to the State house, not particularly enumerated, fifteen hundred dollars.

To William Pauling, administrator of Thomas Tatum and Jesse Duesto, for services rendered by said Tatum and Duesto during the Revolutionary War, as private soldiers in Captain Isaac Ross's company of State troops, belonging to the regiment commanded by Col. Charles S. Middleton, one thousand four hundred and eighteen dollars, seventy-eight cents.

For John Duteille and George Redevault, for payment as subordinate officers on board the South Carolina frigate, one hundred and thirty dollars, thirty cents.

To Peter Oliver, administrator on the several estates of Thomas Short, Jacob Shen, David Zhal and John Renney, one thousand one hundred dollars, or such part of said sum as will pay the interest of six per cent on the sums appearing to have been due them on the portage bill book of the frigate South Carolina, to be ascertained and settled by the comptroller-general.

In the Senate House, the twentieth of December, in the year of our Lord one thousand eight hundred and ten, and in the thirty fifth year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

A. D. 1811.

No. 1980.

AN ACT TO ESTABLISH FREE SCHOOLS THROUGHOUT THE STATE.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That immediately after the passing of this Act there shall be established in each election district within this State, a number of free schools, equal to the number of members which such district is entitled to send to the House of Representatives in the Legislature of this State.

Free schools established.

II. *And be it further enacted* by the authority aforesaid, That in each of these schools the primary elements of learning, reading, writing and arithmetic, shall always be taught, and such other branches of education as the commissioners to be hereinafter appointed may from time to time direct.

What shall be taught in the said schools.

III. *And be it further enacted* by the authority aforesaid, That every citizen of this State shall be entitled to send his or her child or children, ward or wards, to any free school in the district where he or she may reside, free from any expense whatsoever on account of tuition; and where more children shall apply for admission at any one school than can be conveniently educated therein, a preference shall always be given to poor orphans and the children of indigent and necessitous parents.

Who may go to said schools.

IV. *And be it further enacted* by the authority aforesaid, That for the support and maintenance of the said free schools, the sum of three hundred dollars per annum for each school, is hereby and for ever appropriated, to be paid out of the treasury of this State, in the manner hereinafter directed, until other sufficient funds may by law be provided.

Money appropriated to support the said schools.

V. *And be it further enacted* by the authority aforesaid, That for the purpose of carrying this Act into effect, there shall be appointed a number of commissioners in each election district, which number shall not be less than three nor more than thirteen.

Commissioners to be appointed by the legislature.

VI. *And be it further enacted* by the authority aforesaid, That the said commissioners shall be appointed by the legislature, by nomination, and shall continue in office for three years from the time of their appointment, and until a new appointment shall be made.

To continue in office 3 years.

VII. *And be it further enacted* by the authority aforesaid, That the commissioners of the free schools shall have power to determine the situation of the schools in each district, to appoint masters for each school, and to remove them at pleasure, to arrange the system of instruction until some general system be organized, to decide on the admission of scholars, and the preference to be given in all cases of doubt or difficulty, and to superintend generally the management of schools in their respective districts, and shall have power to draw on the comptroller for the sums appropriated for the schools in their respective districts.

Powers of said commissioners.

VIII. *And be it further enacted* by the authority aforesaid, That whenever the commissioners, or a majority of them, in any district, shall be of opinion that the objects of this Act would be better promoted by increasing or diminishing the number of schools allowed to such district, the said commissioners shall be, and they are hereby, empowered to increase or diminish the number of schools in such district, and to draw for and apply the whole amount allowed by this Act to such districts, to the support of the schools so increased or diminished in number.

Number of schools may be increased or diminished.

IX. *And be it further enacted* by the authority aforesaid, That the commissioners in each district shall meet together annually, on the fourth Monday of January in each year, and quarterly on the fourth Mondays of April, July and October; and at their anniversary meetings shall annually elect a chairman and secretary, and shall fill up the vacancies which may

Commissioners to meet annually and quarterly, and elect a chairman and secretary.

A. D. 1811.

have happened in their board. And on the death, resignation or absence from the State of the chairman or secretary of any board of commissioners, the members at the next quarterly meeting, provided a majority be present, shall appoint a successor.

Secretary to
keep a journal.

X. *And be it further enacted* by the authority aforesaid, That the secretary of each board of commissioners shall keep a regular journal of the transactions of the said board, which shall be always open to the inspection of the legislature.

How to pro-
ceed when the
fund is insuf-
ficient.

XI. *And be it further enacted* by the authority aforesaid, That in all cases where the sum of money allotted by this Act for the support of each school shall be found insufficient to maintain a master for the whole year, that then the commissioners shall be authorized to employ a master for the greatest length of time for which sum a competent person can be engaged.

Returns to be
made to the
legislature.

XII. *And be it further enacted* by the authority aforesaid, That every board of commissioners throughout the State shall, at their quarterly meeting, on the fourth Monday of October in each year, make a regular return to the legislature, or to any person whom the legislature may appoint, of the number of months during the year preceding their said meeting which each school in their respective districts has been open for the reception of scholars; of the number of scholars that during each quarter attended the respective schools; of the sums drawn for, on account of each school, with the date of the drafts; and may transmit any observations on the state or regulations of the schools, which may appear to them necessary or important.

Schools to be
designated by
number or by
name.

XIII. *And in order to regulate and check the expenditure of the money which by this Act is appropriated for the support of the free schools; Be it further enacted* by the authority aforesaid, That as soon as the commissioners in each district shall have located the schools in their respective districts, they shall designate each school by number or by name, and give notice thereof to the comptroller of the treasury of the State; and every order drawn on the comptroller, for the money appropriated by this Act, for the support of each school, shall be signed by the chairman and secretary of the board of commissioners for the district in which the said school may be situated; shall express by name the school on account of which the order is drawn, and shall not be for a smaller sum than seventy-five dollars, unless on the death, resignation or removal of an instructor, the sum so drawn for shall be the whole amount which may be due.

Schools may
be removed
annually.

XIV. *And be it further enacted* by the authority aforesaid, That until the number of schools established by the State shall be sufficient to educate the children in every part of each district, the commissioners shall be authorized and required, if they think it expedient or necessary, to remove the schools, annually, into different parts of their respective districts. Provided nevertheless, that no school shall be established in any part of any district, unless the inhabitants shall, at their own expense, provide a sufficient school house for the accommodation of the scholars.

Public and
private funds
may be united.

XV. *And be it further enacted* by the authority aforesaid, That in all districts where a school or schools are already or may hereafter be established by private funds or individual subscription, it shall be lawful for the commissioners of the free schools, at their discretion, to unite such part or parts of the funds provided by this Act for such districts with such school or schools, in such manner as may appear to them best calculated to promote the objects of this Act.

XVI. *And be it further enacted* by the authority aforesaid, That the number of commissioners of free schools, in each election district throughout the State, shall be as follows, viz: For St. Philip's and St. Michael's,

thirteen; for St. John's, Colleton, five; for Prince William's, five; for Win yaw, nine; for All Saints, three; for St. James, Goose-creek, three; for St. Paul's, five; for Williamsburgh, five; for Kingston, three; for St. Helena, five; for St. Luke's, five; for Barnwell, seven; for Clarendon, five; for Chesterfield, three; for Edgefield, thirteen; for Greenville, nine; for Saxegotha, five; for Lewisburg, three; for Marlborough, five; for Orange, five; for Richland, five; for Union, seven; for St. Andrew's, three; for St. Peter's, five; for St. Stephen's, three; for Liberty, five; for St. James, Santee, five; for St. John's, Berkley, seven; for St. George, Dorchester, three; for St. Bartholomew's, nine; for St. Thomas and St. Dennis, three; for Christ Church, three; for Abbeville, eleven; for Chester, seven; for Claremont, seven; for Darlington, five; for Fairfield, nine; for Kershaw, five; for Lancaster, five; for Laurens, nine; for Newberry, nine; for Pendleton, thirteen; for Spartanburgh, nine; for York, seven.

A. D. 1811.

Apportionment
of school com-
missioners.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT TO REPEAL ALL ACTS AND CLAUSES OF ACTS REQUIRING THE No. 1981.

OWNERS OF MILL-DAMS ON TYGER RIVER TO KEEP THEM OPEN FOR THE
PASSAGE OF FISH UP THE SAID RIVER.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all Acts and clauses of Acts requiring the owners of mills on Tyger river to make and keep open a slope or sluice in the dams of the said mills, for the passage of fish up the said river, be, and the same are hereby, repealed, so far as they relate to Tyger river. Provided, however, that nothing herein contained shall prevent sufficient slopes, sluices or locks from being made for the passage of boats up and down the said river, when provision shall be made by law for rendering the said river navigable.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT to incorporate the Charleston Fire Insurance Company. No. 1982.

(Passed December 21, 1811. *See last volume.*)

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No. 1983. *AN ACT TO PREVENT ANY CITIZEN OF THIS STATE FROM BEING SENT TO GAOL, UNTIL HE BE HEARD BY HIMSELF OR COUNSEL.*

WHEREAS, it is contrary to natural justice and the rights of every free citizen to be deprived of his liberty or property without being heard in his own defence:

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act no citizen of this State shall be sent to gaol for any contempt of court, or supposed contempt of court, committed during the sitting of the court, and in disturbance of the court, until he be brought before the court, and there be heard by himself or counsel, or shall stand mute.

II. *And be it enacted* by the authority aforesaid, That when any affray shall happen during the sitting of any court within this State, and within the hearing or to the disturbance of the court, the court shall order the sheriff, or other lawful officer, to take the affrayers, or other disturbers of the peace, or those guilty of contempt, and bring the offender or offenders before the court, and the court shall make such order or orders thereon as is or may be consistent with law, justice and good order.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 1984. *AN ACT TO AMEND AN ACT ENTITLED "An Act to repeal an Act of the General Assembly of this State entitled an Act for the better regulating the streets and markets of the Town of Columbia, and to incorporate the said town."*

WHEREAS, doubts have existed whether the inhabitants of the said town are not exempted from working on the streets in the same, by reason whereof the streets have been much neglected, and in many places almost impassable:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority aforesaid, That from and after the passing of this Act the inhabitants of said town are hereby declared to be liable to work upon and keep the streets of the said town in good and sufficient repair, under the control and direction of the intendant and wardens thereof, under the same regulations and restrictions as the citizens of this State are liable to work upon the public roads of this State; any law, usage or custom to the contrary thereof in any wise notwithstanding.

II. *And be it further enacted* by the authority aforesaid, That the intendant and wardens of the said town be, and they are hereby, required,

authorized and empowered, to settle and regulate the assize of all bread made and sold within the limits thereof, upon such terms as they shall, from time to time, order and establish. A. D. 1811.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT to authorize the widening of State, late Motte and Union Streets, in the City of Charleston, in such manner and under such provisions as are herein specified. No. 1985.

(Passed December 21, 1811. *See last volume.*)

AN ACT for amending the charter of the Planter's and Mechanic's Bank of South Carolina; and for other purposes therein mentioned. No. 1986.

(Passed December 21, 1811. *See last volume.*)

AN ACT TO MAKE APPROPRIATION FOR THE SUPPORT OF A PROFESSOR OF CHEMISTRY IN THE SOUTH CAROLINA COLLEGE. No. 1987.

WHEREAS, the trustees of the South Carolina College have, by their memorial, represented to the legislature, that the establishment of a professorship of chemistry in said college would be of great utility to the State, by widening the circle of knowledge, and diffusing useful information throughout the same, and have solicited the legislature in aid thereof:

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in addition to the sums already appropriated by law for the support of the faculty of the said college, the comptroller be, and hereby is, authorized and empowered, upon application of the said trustees, to pay over to them the sum of sixteen hundred dollars yearly, and every year, to be applied to the purpose of paying the salary of a professor of chemistry in the said college.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

A. D. 1811.

No. 1988. *AN ACT* TO VEST IN HUGH MILLING AND HIS HEIRS THE RIGHT AND TITLE OF THE STATE TO A CERTAIN TRACT OF LAND.

Preamble.

WHEREAS, Hugh Milling, of Fairfield district, in his petition to the legislature, has set forth, that in order to make provision for his niece, Sarah Gordon, of the kingdom of Ireland, and induce her to emigrate and settle in this State, he obtained a grant for a certain tract of land, containing four hundred and twenty-one acres, situate in the district of Camden, on a branch of the Wateree creek, near the road from Charleston to King's Mountain, in the name of the said Sarah Gordon; and that the said Sarah Gordon, in her passage from Ireland to America, was wrecked on the coast of Scotland, and never came to America to avail herself of the benefit of the said grant; and that he, the said Hugh Milling, paid all the expenses attendant on the surveying of the said land and obtaining a grant therefor, and also paid to the State nine pounds fifteen shillings and five pence half penny, for the consideration or bounty money of the said land, and therefore prays that the said tract of land may be vested in him. And whereas, the said Sarah Gordon, being an alien at the time of making the said grant, the right and title of the said tract of land escheated and became vested in the State:

Title to land
vested in H.
Milling.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the right, title and interest of the State, of, in or to the said land, being a tract of four hundred and twenty-one acres, situate in the district of Camden, now in the district of Fairfield, on a branch of Wateree creek, near the road from Charleston to King's Mountain, granted to Sarah Gordon on the twenty-first day of January, in the year of our Lord one thousand seven hundred and eighty-five, be, and the same is, vested in the said Hugh Milling, his heirs and assigns, for ever. Provided nevertheless, that nothing herein contained shall be taken or construed to invalidate, or in any manner destroy, the right or title of any person or persons, acquired prior to the passing of this Act, to the said land or any part thereof.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 1989. *AN ACT* to authorize the Commissioners of the Orphan House of Charleston to select the number of youths therein mentioned, from those educated and maintained on the bounty of that institution, who shall be allowed to complete their education at the South Carolina College.

(Passed December 21, 1811. See last volume.)

A.D. 1811.

AN ACT for regulating the Courts held by the Associate Judges of this State at the conclusion of their respective circuits, and of the Courts of Appeals held by the Judges of the Courts of Equity, within this State; and for other purposes therein mentioned.

(Passed December 21, 1811. *See last volume.*)

AN ACT TO APPOINT CERTAIN COMMISSIONERS TO ESTABLISH THE PARISH LINES BETWEEN ST. PHILIP'S AND ST. ANDREW'S; BETWEEN ST. ANDREW'S AND ST. JAMES, GOOSE-CREEK, AND BETWEEN ST. ANDREW'S AND ST. GEORGE'S, DORCHESTER; BETWEEN ST. PHILIP AND ST. JAMES, GOOSE-CREEK; AND BETWEEN ST. JAMES, GOOSE-CREEK, AND ST. GEORGE, DORCHESTER.

WHEREAS, the inhabitants of the above parishes are subjected to many inconveniencies from the division lines thereof not being fully ascertained and established:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Johnson, Jr, James Nicholson, George Keckly, Wm. Cattle and Seth T. Prior be, and they are hereby appointed, commissioners for running, defining and establishing the division lines between the parishes of St. Philip's and St. Andrew's; between St. Andrew's and St. James, Goose-creek; and between St. Andrew's and St. George's, Dorchester; between St. Philip's and St. James, Goose-creek; and between St. James, Goose-creek, and St. George's, Dorchester. And the said commissioners, or a majority of them, shall proceed to run the said line according to the best information they can obtain, and the law originally laid down; and to the best of their judgments, determine on and establish the said lines. And the said commissioners, or a majority of them, are hereby vested with full power and authority to employ one or more surveyors, not exceeding three, and two chain carriers, as the said commissioners, or a majority of them, shall judge necessary for running and establishing the said lines.

Commissioners appointed.

II. *And be it further enacted* by the authority aforesaid, That the commissioners hereby appointed, or a majority of them, shall proceed forthwith in the business committed to them; and they are hereby directed, when the same shall be completed, to make a full report, with a plat thereof, to the Legislature; and shall lodge an accurate survey of the said lines in the secretary of state's office of Charleston district, that the same may be placed on record.

Commissioners to report to the Legislature.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

A.D. 1811.

No. 1992. *AN ACT TO PREVENT ANY PERSON THAT NOW HOLDS, OR WHO MAY HEREAFTER HOLD, THE OFFICE OF ORDINARY OF ANY DISTRICT IN THIS STATE, FROM PRACTICING AS AN ATTORNEY, SOLICITOR OR COUNSEL, IN ANY OF THE COURTS, EITHER OF LAW OR EQUITY, WITHIN THIS STATE; AND FOR OTHER PURPOSES THEREIN MENTIONED.*

Preamble.

WHEREAS, it has been found to be inconsistent with the principles of justice and its due administration, that any person should be allowed to practice law, or receive fees, either as an attorney, solicitor or counsel, touching any matter, cause, or thing that may officially come before him whilst he holds the office and sits as a judge of the said court of ordinary:

Ordinaries forbidden to take fees for advice.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, no person who now holds, or who may hereafter hold, the office of Ordinary for any district within this State, shall be allowed, whilst he holds the said office, in his own name, or in the name of any other person or persons, to receive any fee as a counsel fee, either as an attorney or solicitor, or in any other shape whatever, concerning or touching any cause, matter, thing or estate, that shall or may officially come before him as Ordinary, in any district within this State; otherwise than such fee or fees as now are, or shall, or may hereafter be, allowed to such Ordinary for his services in the execution of his duty therein, by any Act of Assembly of this State; any law, custom or usage to the contrary thereof, in any wise notwithstanding.

Or to practice law.

II. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, no person who now holds or who may hereafter hold the office of Ordinary for any district within this State, shall be allowed, whilst he holds the said office, to practice law in his own name, or in the name of any other person, in any court of law or equity within this State; any law, custom or usage to the contrary thereof, in any wise notwithstanding.

Ordinary of Charleston, when to attend in his office.

III. And whereas, it would be highly beneficial to the citizens of Charleston district and the State at large, that the Ordinary of Charleston district should be compelled to attend in his said office in the same manner that other public officers are compelled by law to attend; *Be it therefore enacted* by the authority aforesaid, That from and after the first day of January next, it shall be the duty of the said Ordinary to give constant attendance at his office every day, Saturdays, Sundays, Mondays, Christmas day, and the fourth day of July only excepted, from nine of the clock in the forenoon, to two of the clock in the afternoon of each day; any law, custom or usage to the contrary thereof, in any wise notwithstanding.

Ordinary to make search and furnish copies.

IV. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this Act, and at all times thereafter, it shall be the duty of the respective Ordinaries of this State, for the time being, when applied to by any person for that purpose at their respective offices, to search and examine any book, record or paper appertaining to any such office, as such person may require and be in want of, and to furnish any such person with a copy or copies, of any part thereof, or of the whole, of any proceeding touching any estate or estates in his care or custody as Ordinary aforesaid, and to certify the same; for which respective services he shall be allowed at the rate of nine cents for each copy sheet the same may contain, and twenty-five cents for every certificate he shall

so give; any law, custom or usage to the contrary thereof, in any wise notwithstanding.

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In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT TO PREVENT OBSTRUCTIONS TO THE FREE PASSAGE OF FISH UP THE RIVER KEOWEE AND ITS WATERS. No. 1993.

WHEREAS, sundry inhabitants of Pendleton district have by their petition to the Legislature prayed that obstructions to the free passage of fish up the river Keowee and its waters, be removed and prevented:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any person or persons who now have, or hereafter may erect, any fish dam or fish dams, mill dam or mill dams, obstruction or obstructions, any flutter wheel or flutter wheels, or any contrivance, artifice or machinery, in the said river Keowee, which is intended or has a tendency to prevent the free passage of fish up the said river, shall forfeit and pay, to any person who shall inform and sue for the same before any justice of the peace, the sum of ten dollars for every six hours during which such obstruction, flutter wheel, dam, contrivance, artifice or machinery shall so continue. Provided nevertheless, that if the boat sluice through the shoals of said river, and thirty feet on each side of the dam making the said sluice, or where the boat sluice shall run near either bank of said river, then, and in that case, if sixty feet from the side of the dam making the said sluice which is farthest from the bank, shall be kept open and free from any of the aforesaid obstructions and contrivances, nothing herein contained shall be so construed as to prevent the erection of fish dams or mill dams on each side of said river, so as not to contravene the object and intentions of the aforesaid provisions.


Obstructions in Keowee river forbidden.

II. *And be it further enacted* by the authority aforesaid, That any person who hath, or may hereafter erect, any fish dam, hedge or other obstruction, across the creeks called Deep Creek or Conerass, or the rivers Twelve Mile or Little River, as far up each of the aforesaid streams as the first mill now erected, shall, by the first day of March next, provide a good and sufficient opening, at least ten feet wide, for the free passage of fish up the said rivers and creeks; and upon neglect thereof shall forfeit, and pay to any person who shall inform and sue for the same before any justice of the peace, the sum of ten dollars for every twenty-four hours during which such obstruction shall continue after the time aforesaid.

Certain other streams.

III. *And be it further enacted* by the authority aforesaid, That the aforesaid obstruction or obstructions, flutter wheel or flutter wheels, contrivance, artifice or machinery, which are or may hereafter be made to prevent the free passage of fish up the river Keowee and its waters, shall be considered nuisances, and may be abated as such by any person or persons whatsoever. And this Act shall be deemed and taken to be a public Act, and

Obstructions declared nuisances.

A.D. 1811.  judicially taken notice of as such, without being specially pleaded, and liberally construed to effect the purposes aforesaid.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 1994. AN ACT to establish certain Roads, Bridges and Ferries; and for certain purposes therein mentioned.

(Passed December 21, 1811. *See last volume.*)

No. 1995. AN ACT to incorporate the Pendleton Circulating Library Society, the Sumpterville Library Society, and the other Societies therein mentioned.

(Passed December 21, 1811. *See last volume.*)

No. 1996. AN ACT discontinuing the public road leading over the Causeway at and passing through Willtown; and establishing as a public road the road leading by Old Black Mingo Ferry; and for reviving an Ordinance, passed in the year one thousand seven hundred and ninety, for laying open the navigation of Black Mingo Creek.

(Passed December 21, 1811. *See last volume.*)

No. 1997. AN ACT TO AUTHORIZE AND EMPOWER THE TRUSTEES OF THE WADSWORTHVILLE POOR SCHOOL, IN LAURENS DISTRICT, TO ALIEN AND SELL CERTAIN LANDS THEREIN MENTIONED.

Preamble. WHEREAS, William Burnside, Zachariah Bailey, James M'Mahan, James Young and William Laur, trustees of the Wadsworthville Poor School, in the district of Laurens, have petitioned the legislature to authorize them to sell, alien and dispose of such lands as cannot be rented or leased, and which was left by the last will and testament of Thomas Wadsworth, deceased, for the support of a poor school in the said district. And whereas, Henry W. Desaussure having been appointed by the will

of the late Thomas Wadsworth, deceased, a trustee, to give effect and operation to his will for the establishment of a free school, is willing and has agreed that such lands, which cannot be leased or rented, may be sold; in order to carry the intentions of the said testator into effect,

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I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the trustees of the Wadsworthville Poor School, in the district of Laurens, and their successors in office, be, and they are hereby, authorized and empowered to sell and convey, in fee simple, to any person or persons who shall purchase the same, all or any part of the lands left by the last will and testament of Thomas Wadsworth, deceased, for the support of a poor school in Laurens district, which cannot be leased or rented. Provided, that the proceeds arising from the sale of such lands shall be applied by the said trustees to the support of the said poor school, in such way and manner as shall be best calculated to carry into effect the intentions of the said testator.

Trustees empowered to sell land.

In the Senate House, the twenty first day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE INTENDANT AND WARDENS OF THE TOWN OF BEAUFORT TO LAY OUT STREETS ON BLACK'S POINT, IN THE TOWN OF BEAUFORT; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 1998.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the intendant and wardens of the town of Beaufort be, and they are hereby, authorized to lay out, or cause to be laid out, such and so many streets on Black's point, lately incorporated with the said town, as they, or a majority of them, may deem proper.

Streets to be laid off on Black's point.

II. *And be it further enacted* by the authority aforesaid, That the damage sustained by any proprietor of a lot or lots through which any of the said streets may be so laid out, shall be ascertained in the following manner: two commissioners shall in each case be appointed by the said intendant and wardens, and two by the proprietor of any lot or lots through which any of the said streets may be run; and in case any such proprietor shall refuse to appoint such commissioners on his or her part, the said intendant and wardens may appoint two for him or her; and the said four commissioners shall appoint a fifth commissioner; and the said five commissioners, or a majority of them, shall appraise on oath the damage sustained by such proprietor or proprietors; which said appraisement shall be returned, under their hands and seals, to the intendant and wardens aforesaid; and all streets laid out as aforesaid upon Black's point, shall, upon the payment of the sums of money assessed by the commissioners aforesaid, to all the proprietors of said lots, agreeably to the said assessments or appraisements, be possessed by and vested in the intendant and wardens of Beaufort, and their successors in office, forever.

Mode of assessing damages.

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III. *And be it further enacted* by the authority aforesaid, That the intendant and wardens of Beaufort shall be authorized to name the said streets so laid out; and the said streets shall forever continue to be kept open as public highways.

Intendant and wardens to collect the tax on Black's point.

IV. *And be it further enacted* by the authority aforesaid, That the intendant and wardens of Beaufort shall be, and they are hereby, authorized and empowered to assess a tax, and collect the same, upon all the lots upon Black's point, proportionably to a valuation of all the said lots to be made by the clerk of the town council of Beaufort upon oath, and returned under his hand and seal to the town council, sufficient to defray one half of the damages assessed by the aforesaid commissioners on all the aforesaid lots; and in case the said taxes are not paid within one month after such taxes are imposed by the said intendants and wardens, then, the sheriff of the town of Beaufort shall issue executions against all defaulters, after having given thirty days public notice thereof, and shall proceed to levy the same, and sell the property of the defaulters so levied upon, on giving thirty days public notice, subsequent to the said levy, of the said sale. Provided nevertheless, that any land holder or land holders, on said Black's point, who may consider him, her or themselves aggrieved by any act of the town council herein specified, shall have no claim on the State for any loss which he, she or they may sustain therefrom.

Repealing clause.

V. *And be it further enacted* by the authority aforesaid, That all Acts or parts of Acts contrary to this Act, be, and the same are hereby, repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and eleven, and thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 1999. *AN ACT* TO AUTHORIZE CERTAIN PERSONS, THEREIN MENTIONED, TO CHANGE THEIR PRESENT NAMES.

Preamble.

WHEREAS, John Duncan, Ann Duncan, (formerly Ann Tweed,) and Alexander Joshua Henry Tweed, (the son of the said Ann Duncan,) have petitioned the legislature to change the present surname of the said Alexander Joshua Henry Tweed to that of Duncan:

Alexander J. H. Tweed to change his name to Duncan.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Alexander Joshua Henry Tweed be, and is hereby, authorized and empowered to change his present surname to that of Duncan; and that he and his future issue shall hereafter be known and distinguished in law, and in all transactions in law where he or they may be bound or obliged, or wherein any person or persons may be bound or obliged to him or them, by no other surname than that of Duncan. Provided always, and it is hereby further enacted and declared by the authority aforesaid, That the said alteration of the surname of Tweed to the surname of Duncan, shall not in any sort destroy, prevent, or prejudice any right or title to the said Alexander Joshua Henry Tweed, or his future issue, or any of them, accrued or to accrue, either real or personal, by any

purchase, limitation, devise, gift or bequest, by the name of Tweed, in any wise howsoever; but that he and they, and every of them, shall and may have and take all such benefit and advantage by such descent, purchase, limitation, devise, gift or bequest, as he or they or any of them might have done if this Act had not been made; any thing in this Act contained to the contrary thereof, in any wise notwithstanding.

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II. And whereas, Augustin Williams has petitioned the legislature to change his present name to that of William Augustan; *Be it therefore enacted* by the authority aforesaid, That the said Augustin Williams be, and he is hereby, authorized to change his present name to that of William Augustan; and that he shall hereafter be known and distinguished, both in law and equity, and in all transactions in law wherein he may be bound and obliged, or wherein any person or persons may be bound or obliged to him, by no other name than that of William Augustan.

Augustin Williams to take the name of William Augustan.

III. And whereas, William Owens hath petitioned the legislature to change his present name to that of William Mellard; *Be it therefore enacted* by the authority aforesaid, That the said William Owens be, and he is hereby, authorized to change his present name to that of William Mellard; and that he shall hereafter be known and distinguished in law and equity, and in all transactions of law wherein he may be bound or obliged, or wherein any person or persons may be bound or obliged to him, by no other name than that of William Mellard.

William Owens to take the name of William Mellard.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT TO ALTER THE TIME OF THE STATED MEETING OF THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA COLLEGE; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2000.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in future the stated meeting of the board of trustees of the South Carolina College shall be held and meet on the Wednesday next after the fourth Monday in November in each year, instead of the time heretofore established by law for the stated meeting of the said board.

Time of holding the meeting of the board of trustees of S. Carolina college.

II. *And be it further enacted* by the authority aforesaid, That no vacancy in the officers of the college shall be filled, unless at the stated meeting of the board of trustees. Provided nevertheless, that such vacancy may be filled at any occasional meeting until the stated meeting of the board of trustees, and no longer.

Vacancies.

III. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the Faculty shall be, and they are hereby, required to report the whole of their proceedings against any student who shall be suspended, together with the cause of such suspension, to the board of trustees at their next stated meeting after such suspension; and the said board of trustees are hereby authorized and empowered, upon a

Suspension of students.

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review of the sentence of any student, to restore such student to his standing in the college, if it shall appear to the said board of trustees proper to do so.

In the Senate House, the twentieth of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 2001. *AN ACT* TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND ELEVEN; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Tax to be
raised.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof.

Rate of taxa-
tion on lands.

II. *And be it further enacted* by the authority aforesaid, That fifteen cents ad valorem on every hundred dollars be paid in specie or paper medium on all lands granted within this State, under the several regulations hereinafter mentioned. Class No. 1 shall contain all tide swamp of the first quality, not generally affected by the salts or freshets, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by the salts or freshets, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshets, which shall be rated at eight dollars and fifty cents per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight dollars and fifty cents per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; pine barren lands, adjoining or contiguous thereto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality to be rated at thirteen dollars per acre; the second quality at eight dollars and fifty cents per acre; the third quality at four dollars per acre; excepting such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be assessed at one dollar per acre. Class No. 3 shall comprehend all high river swamps and low grounds lying above Snow Hill, and the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the old Indian boundary line, which shall be rated at three dollars per acre. Class No. 4 shall comprehend

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all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands lying on the Sea islands, (Slann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford, and the new boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in classes numbered 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford, the first quality of which shall be rated at one dollar and fifty cents per acre; and the second quality at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; and the second quality at sixty cents per acre; and the third quality at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

III. *And be it further enacted* by the authority aforesaid, That thirty-five cents per head shall be levied upon slaves, of all ages and descriptions; and the sum of two dollars per head upon all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved to the collector to be incapable, from maims or otherwise, of providing their livelihood,) between the ages of fifteen and fifty; and fifteen cents ad valorem on every hundred dollars of the value of all lands and lots and buildings within any city, village or borough; and thirty-five cents for every hundred dollars of stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium or specie.

Rate of taxing slaves, &c.

IV. *And be it further enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property of the estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, or the Fellowship Society, or of the estate of the late Doctor De la Howe, devised for charitable purposes, and that part of the estate of the late Thomas Wadsworth which was devised for the establishment of a school, or the Clarendon, or the High Hills of Santee, or the Camden Orphan Societies, or the Columbia Academy, or of the lands and funds owned by the Free School of Dorchester, the public lands held by the corporation of Charleston, or of the lands and funds of any society applicable to education or to the maintenance of public schools; but that no houses owned or erected on such lands by any private individual or individuals shall be exempted from paying taxes thereon, at the rate of one half of their full value, to be rated by the assessor or assessors in the respective collection districts.

Slaves employed on Indian lands.

Exceptions.

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Absentees
triple taxed.

V. *And be it enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a triple tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any person now absent from the United States, unless such person has been absent for one year.

What shall be
received for
taxes.

VI. *And be it further enacted* by the authority aforesaid, That the tax collectors throughout this State receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance in gold and silver at the bank of South Carolina, the State Bank, Union Bank, the Planter's or Mechanic's Bank, or certain certificates for the payment of the members of the Legislature, or the Solicitors, for their attendance on the Legislature.

Returns of all
property to be
made on oath.

VII. *And be it further enacted* by the authority aforesaid, That each and every enquirer, assessor and collector shall, on their enquiry for the return of taxes of this State for the year one thousand eight hundred and eleven, administer the following oath to all such persons as shall be liable to pay any of said taxes, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that the account which I now give in is a just and true account of the quantity and quality of the lands, and the number of slaves, on the first day of October, one thousand eight hundred and eleven, in any manner whatsoever, which I was possessed of, interested in, or entitled to, either in my own right or in the right of any other person whatsoever, either as guardian, executor, agent, attorney, trustee, or in any other manner whatsoever, according to the best of my knowledge and belief; and that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked me touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever." And upon the principal of every sum or sums of money at interest, the interest of which is actually received, over and above what each person pays on account of interest, the said enquirer, assessor or collector, or assessors, enquirers and collectors, to whom the same shall be returned, shall assess the sum of twelve and a half cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportionable sum on all other sums of money drawing less or more than seven per cent; to be recovered in like manner, in case of default, as the collectors are authorized by law heretofore to do on their returns of lands and slaves.

Tax on money
at interest.Money at inter-
est not returned

VIII. *And be it enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, he, she or they shall be liable to suffer the same forfeitures and pay the same penalties as are required by law in case of their refusing or neglecting to make a return of his, her or their lands or slaves.

Time of pay-
ment of the pa-
per medium.

IX. *And be it further enacted* by the authority aforesaid, That the instalments on the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid as directed by an Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and thirteen. Provided, that no person shall be entitled to the benefit of this clause

who shall not give additional security to the treasurer in Charleston, in all cases where he is not satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has been heretofore due, or which may be made in paying the interest to grow due on the first day of March next.

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X. *And be it further enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act, and of the Act supplementary to the Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," to each of the collectors appointed by law throughout this State, within one month after the passing of this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

Copies of this Act to be furnished.

XI. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, all persons liable to pay any taxes hereafter to be imposed by any law of this State, shall, on or before the first day of February in each and every year, give in a just and true return of all slaves, and of the quantity and quality of all lands, and monies at interest, stock in trade, factorage, employment, faculties and professions, as may be directed and required by the said laws, which they may hold or be entitled unto, in his, her or their own right, or in the right of any other person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise howsoever; and shall, on or before the first day of May ensuing, pay his, her or their taxes to the collector of that collection district where the party making such return, by himself, his or her family, may reside the greater part of the year. And that the said assessors or collectors shall annually pay the same, and settle their accounts with the treasurer, on the first day of June next ensuing, so far as relates to the tax collectors of the lower division of the treasury.

Times for making returns and paying taxes.

XII. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums borrowed by them, and sales have been made of the lands mortgaged to secure the said loan, and the treasurers have bought in the said lands for defect of bidders, and the same remain as the property of the State, unproductive; and in other cases the property so sold has been purchased in by the mortgagers and others, who have not complied with the terms and conditions of the said sales; *Be it therefore enacted* by the authority aforesaid, That the treasurers aforesaid shall be, and are hereby, respectively authorized and directed to cause all lands bought in as aforesaid on account of the State, and all lands purchased by the mortgagers or other persons whomsoever who have not complied with the conditions of former sales of the said property, to be put up to sale, in the different districts in which they lie, by the sheriffs of the said districts, on a public sale day, after giving three months notice thereof, and shall sell the same to the highest bidder, who shall pay one fourth of the purchase money in cash, and the remaining three fourths in one and two years; for the performance of which he shall give his bond and a mortgage of the premises, and also personal security, to be approved of by the sheriff and three commissioners, residing in such district, to be nominated by the treasurer. Provided, no sale of the mortgaged lands shall take place when any person interested in the same shall, previous to the day of sale, tender one third part of the sum due, together with the expenses incurred.

Mortgaged lands bought in on account of the State to be sold.

Proviso.

XIII. *And be it enacted* by the authority aforesaid, That on all sales made in pursuance of the next preceding clause, and under the authority thereof, the purchaser shall, immediately after the property shall be

Terms of such sales.

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knocked off to him, pay into the hands of the sheriff making the said sale a sum which shall at least be equal to ten per cent. upon the amount of his purchase, towards the payment thereof; and if he should fail or neglect to make such payment, the sheriff shall immediately set up the same property for public sale, upon the spot; and shall not, upon such re-sale, or any other sale of the same property made by virtue of this Act, receive the bid of the first purchaser or his agent. And the sheriff shall, in all his advertisements of the property sold by virtue of this Act, on account of the paper medium loan, give notice that he will require the payment of the said ten per cent.; to the end that no persons inclined to purchase at the said sales may be ignorant thereof.

Forfeiture on not complying with the terms of such sales.

XIV. *And be it enacted* by the authority aforesaid, That if any purchaser, after paying the percentage aforesaid, shall fail or neglect to comply with the terms of sale, all money so paid shall be forfeited to the State; and shall be applied first to pay the costs and charges accrued or due upon the said sale, and the surplus, if there shall be any, shall be paid into the treasury of this State, in aid of the revenue thereof.

Terms of sale when lands are re-sold.

XV. *And be it further enacted* by the authority aforesaid, That if any person shall, at any re-sale made by the sheriff on account of the first or any former purchaser having failed or neglected to pay the percentage aforesaid, or to comply with the terms and conditions of the sale, such purchaser shall be bound by his purchase, and shall comply with this Act, and the terms and conditions of such re-sale, and shall not be allowed to say or pretend that he bought the same as agent for the first or any former purchaser. Provided, that it shall be publicly proclaimed by the crier at such sale, that the same was to be on account and risque of the first or some former purchaser; and that the conditions and terms of the sale shall, in like manner, be proclaimed by him immediately before the property is set up.

Defaulters liable for any deficiency by such sales.

XVI. *And be it further enacted* by the authority aforesaid, That in case of any re-sale made under the authority of the preceding clauses of this Act, on account or by reason of the non-payment of the ten per cent. hereby required to be paid, or on account of the non-performance of the conditions and terms herein before prescribed, the person or persons for whose default the said re-sale shall be made, shall be, and he, she and they is or are hereby declared, liable for any deficiency which may happen between the first and any subsequent sale of the said property; and the treasurers are hereby authorized and directed to commence suits for the recovery of any such deficiency.

Poor tax.

XVII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the tax collectors of this State to make, on the first Monday in August next, to the commissioners of the poor, in the parish or district in which any poor tax shall be by the said tax collectors respectively collected, a return of such poor tax, in the like manner as they make returns of the public tax to the treasurers of this State. And it shall also be the duty of the said tax collectors to make a duplicate return to the comptroller general of the amount of the tax so collected and paid to the commissioners.

Transient poor fund of Charleston.

XVIII. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed annually to call on the treasurer of the City Council of Charleston to render an account on oath to him of the application of such monies as are appropriated for the transient poor, and for other purposes; and that the account so rendered be laid before the Legislature.

XIX. *And be it enacted* by the authority aforesaid, That the several

tax collectors in each fiscal division of the State shall exhibit, in some column of his return, the number of acres of land lying within their respective divisions, and the number of acres lying elsewhere, and for which taxes shall be paid them; in like manner they shall exhibit in other columns the number of negroes in their respective divisions, and of those elsewhere, and where, on which taxes shall be paid them; and in other separate columns exhibit the amount of taxes in their respective divisions, on every different article taxed by law; and the treasurer of each division, and the comptroller, shall preserve these columns in their aggregate of taxes to be laid before the next Assembly.

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Tax collectors to return property lying in other divisions, for which taxes are paid them.

XX. *And be it enacted* by the authority aforesaid, That the tax collectors for the parishes of St. Philip's and St. Michael's, shall, on the first Monday in the months of April, May and June, in each and every year, make the following return to the treasurer of the lower division, "I, A B, do solemnly swear (or affirm, as the case may be,) that the sum of ——— dollars, by me now paid, is all the money which I have received on account of the general tax, since my last return." And on the first Monday in July, in each and every year, the said tax collectors for the parishes of St. Philip's and St. Michael's, and each and every tax collector in the upper division of the treasury of this State, and on the first Monday in June, in each and every year, each and every tax collector in the lower division of the treasury of this State, shall complete and finally close their several and respective returns, by paying the full balance which may have been received by him or them, producing to the treasurer of the upper and lower divisions of the treasury of this State, respectively, the sheriff's receipts for all executions lodged by them against defaulters; and if the sheriff's receipts, so produced, shall not satisfactorily account for the full balance due on the said return, then, and in such case, the treasurers in each division respectively shall be, and they are hereby, directed to enforce the means pointed out by the Act entitled "An Act declaring the duties and powers of the enquirers and assessors of the taxes, and other persons concerned therein," passed in the year of our Lord one thousand seven hundred and eighty-eight. And the said several tax collectors, upon closing their said returns, shall respectively take the following oath or affirmation, to wit: "I, A. B., do solemnly swear (or affirm) that the return which I now make is a just and true return of all the taxable property made for the collection district of ———, and that the sum of ——— dollars, by me now paid, is the whole of the monies I have received for the general taxes of the said district, since my last return;" which oath or affirmation the treasurer shall impose, and cause to be endorsed on the said return.

Oath to be taken by the collectors.

XXI. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed annually to call on the several boards of commissioners of public buildings, and boards of commissioners for clearing, opening and rendering navigable the several rivers and creeks in this State, to render an account to him, on oath, of the application of such monies as are appropriated for the erection of public buildings, or clearing, opening and rendering navigable the several rivers and creeks of this State; and the accounts so rendered shall be laid before the legislature.

Commissioners of public buildings and inland navigation to account to the Comptroller.

XXII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the commissioners of the poor, and the commissioners of the roads, in the several districts and parishes within this State, by their secretary or treasurer, to render on oath to the clerks of the circuit courts in their respective districts, on or before the first Monday in September in every year, a correct account of all monies received by them, and

Commissioners of the poor and of the roads to account to the clerks of courts.

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the manner in which the same have been applied ; and it shall be the duty of the clerks of the said courts respectively to transmit certified copies thereof to the comptroller-general, to be by him laid before the Legislature. And in case the commissioners shall fail to make their returns as required aforesaid, they shall respectively, as a board, forfeit and pay the sum of one hundred dollars ; and the clerks of the respective courts shall, on failure of making the aforesaid returns, also forfeit and pay the sum of one hundred dollars ; the aforesaid penalties to be recovered, in any court of law having competent jurisdiction, by action of debt. And it shall be the duty of the attorney-general and solicitors, in their respective circuits, to enquire of the clerks of the respective district courts whether the aforesaid commissioners of the poor, and commissioners of the roads, have made their returns to the clerks as aforesaid ; and enquire of the comptroller-general whether the clerks of the respective courts have made the returns above required ; and in case the commissioners and clerks as aforesaid have not made their returns as above directed, then the attorney-general or solicitor, as the case may be, is hereby directed and required to sue for, and recover on behalf of the State, the penalty which is by this Act declared.

Names of
defaulters to be
published.

XXIII. *And be it further enacted* by the authority aforesaid, That the comptroller-general shall publish in the Carolina Gazette a list of such commissioners and clerks as have neglected to make their returns as above required, for the last year ; and provided that the said commissioners and clerks do not make their returns on or before the first day of September next, it shall be the duty of the attorney-general or solicitors, as the case may be, to sue for and recover the penalties to which they have been heretofore declared liable ; excepting the commissioners of St. Philip's and St. Michael's parishes, who shall account to the City Council of Charleston as heretofore.

Tax collectors
to make pay-
ment to the
commissioners
of the poor.

XXIV. *And be it further enacted* by the authority aforesaid, That each and every tax collector shall pay to the commissioners of the poor, on the first Monday of August in every year, all the monies which have been or may be collected by them for the use of the poor, to the said commissioners or their treasurer, except when such monies have been otherwise appropriated by law, under the penalty of the forfeiture of ten dollars for every day they may fail in so doing ; to be recovered in any court of law having competent jurisdiction, to go to the use of the poor of the said district or parish wherein said default shall be committed.

Names of all
persons who
pay tax to be
transmitted to
the clerks of
courts.

XXV. *And be it enacted* by the authority aforesaid, That it shall be, and is hereby declared to be, the duty of the comptroller-general, as speedily as the same can be done, to make out, from the returns of the tax collectors, and transmit to the clerks of the several courts in the several districts of this State, the names of all persons who shall have made returns for the year 1810, together with the tax paid by the said persons, to the end that the persons paying such tax may have an opportunity of comparing their receipts with the same. And it shall be the duty of the clerks of the said courts, on application of any person for an inspection of the said statement so transmitted to him by the comptroller-general, to produce the same ; and in case there shall appear a difference between the comptroller's report and the receipt of tax paid by such person, the clerk thereupon shall report the same to the legislature ; and in case any clerk shall neglect or refuse, without reasonable excuse, to exhibit the same, when demanded in office hours, by any person or persons paying a tax in the said district, he shall be subject to a penalty of ten dollars, to be recovered in any court having competent jurisdiction ; one half to the informer, the

other to the treasury of this State. And the comptroller general, for this service thus required of him, shall receive the sum of two hundred dollars.

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XXVI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of every tax collector to specify in words, at full length, the sum paid by every person for his general tax, distinguishing what every person may pay for poor, or bridge tax, in the receipts to be given by every tax collector to those persons who may pay a tax to him.

Amount of tax paid to be specified in words.

XXVII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the attorney-general, and each of the solicitors of the different circuits, to certify to the comptroller-general, on or before the first Monday in October in every year, the fines and forfeitures which have been had or inflicted by the courts upon his circuit, within the year next preceding the day aforesaid; and that it shall be the duty of each of the clerks of the several circuit court districts, to return to the comptroller-general, on or before the same day in every year, an account, upon oath, of all the fines and forfeitures inflicted, had, or received within his district court, of the manner how appropriated or remitted, and to pay over to the treasurer of the State the balance in hands on that day; that in case of failure of any clerk to render such account, he shall forfeit and pay the sum of two hundred dollars, to be recovered in any court having competent jurisdiction; and it shall be the duty of the comptroller general to direct the attorney-general or solicitors, as the case may be, to sue for and recover the aforesaid sum, of such clerk as shall fail to render such account.

Attorney-general and solicitors to account to the comptroller.

XXVIII. *And be it enacted* by the authority aforesaid, That should the said attorney-general or solicitors not perform the duty required by the aforesaid clause, they shall be subject to the penalty of one hundred dollars, to be recovered in any court having competent jurisdiction.

Penalty for not performing said duty.

XXIX. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act the clerk of every circuit court in this State shall be authorized, and is hereby required, to draw an order on and send an express to the treasurer at Columbia or Charleston, which ever place may be nearest to the court house of said district, for so many copies of the Acts of the Legislature as the said district may be entitled to by law; and the said clerk shall deliver, upon application, to each person in said district who may be entitled to the same, one copy of said Acts; the person who rides the said express shall receive three dollars for every forty miles he shall ride in going to and returning upon the said service.

The Acts of Assembly to be sent for by the clerks of courts.

XXX. *And be it further enacted*, That it shall be the duty of the printer for the State to have the said Acts printed on or before the fifteenth of February, in each and every year hereafter, and the clerk of every district court shall draw the aforesaid order on the treasurer as aforesaid, and have the said Acts in his possession for distribution on or before the tenth day of March in each and every year hereafter.

Acts to be printed by the 15th of February.

XXXI. *And be it further enacted* by the authority aforesaid, That no commissioners of the poor or of the roads shall be liable to any forfeiture by reason of their not having made their returns at the time heretofore prescribed by law, provided they have made their returns at any subsequent time in each year.

Exemption from forfeiture.

XXXII. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, directed to stay proceedings against William H. Wigg, as executor of his father's estate. Provided, William H. Wigg, as executor of his said father, shall give full and ample security for the payment of the amount of the judgment against him, as executor aforesaid; and provided also, this indulgence be not so construed as to destroy the lien of the judgment, and of the execution or executions

Proceedings stayed against W. H. Wigg.

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 F. Bumar and others. issued against the property of the said father of the said William H. Wigg, or against the property of the said William H. Wigg, as executor of his father; and that the comptroller general be, and he is hereby, authorized to extend the same indulgence to Francis Bumar, and the other securities of Daniel Doyley, late treasurer of the State.

Proceedings stayed against E. G. Jourdon and S. Baldy. XXXIII. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, authorized and required to suspend all proceedings at law or otherwise against Elias G. Jourdon and Stephen Baldy, securities of Thomas Hamilton, late a collector of taxes for the parish of St. Peter's. Provided, that the said Elias G. Jourdon and Stephen Baldy shall, within two months from the passing of this Act, make and execute a bond, with security to be approved of by the said comptroller, payable to the treasurers of the State, for the use of the State, for such balance as may appear to be due by the said Thomas Hamilton, by two equal annual instalments, to commence on the first day of February, in the year of our Lord one thousand eight hundred and thirteen.

Richard Winn. XXXIV. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized and required to suspend all further proceedings at law against Gen. Richard Winn: Provided the said Richard Winn shall, within six months after the passing of this Act, make and execute a bond, with security to be approved of by the said comptroller-general, payable to the treasurer of the lower division as commissioner of the loan office, for the amount of the judgement lately obtained against the said Richard Winn; one moiety whereof to be paid on the first day of June next, and the residue on the first day of April, in the year one thousand eight hundred and thirteen, with interest thereon from the date of the said bond.

And Hugh Milling. XXXV. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized and required to suspend the proceedings against Hugh Milling: and that the said Hugh Milling be permitted to pay his debt to the State by two equal annual instalments, to commence on the first day of January in the year one thousand eight hundred and thirteen: Provided, that an execution upon the said judgement be lodged in the sheriff's office of Fairfield district.

In the Senate House, the twenty-first of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 2002. *AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND ELEVEN.*

Appropriations I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of the public officers, and other expenses and purposes of government.

For the salary of the Governor, two thousand five hundred and seventy-two dollars.

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For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of six Judges of the courts of common pleas, each two thousand five hundred and seventy-two dollars; in the whole, fifteen thousand four hundred and twenty-eight dollars.

For the salaries of five Judges of the Courts of Equity, twelve thousand dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full recompense for the discharge of all public duties incident to his office as Attorney General, one thousand dollars.

For the salaries of four Circuit Solicitors, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, each five hundred dollars; in the whole two thousand dollars.

For the salary of the Comptroller-general, two thousand five hundred dollars.

For the salaries of the Comptroller-general's clerks, and the stationary requisite for his office, one thousand six hundred dollars.

For the salary of the Treasurer of Charleston, and for transacting the business of the loan office, and clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For Lyon Levi, while he continues clerk in the treasury office, in addition to such salary as shall be allowed him by the treasurer, four hundred dollars.

For the salary of the Clerk of the Senate, and the Clerk's salary of the House of Representatives, each twelve hundred and thirty dollars; in the whole, two thousand four hundred and sixty dollars.

As a compensation for the Clerk of the Court at Columbia, one hundred and forty dollars.

As a compensation to the commissioner in equity, for his attendance on the Court of Appeals in equity at Columbia, one hundred dollars.

As a compensation for the Clerk of the Court of Charleston, one hundred and forty dollars.

As a compensation to the Sheriff of Richland district, for attending the Constitutional Court and the Court of Equity at Columbia, one hundred dollars.

As a compensation to the Sheriff of Charleston district, for attending the Constitutional Court and Court of Appeals at Charleston, one hundred and fifty dollars.

For the keeper of the State House at Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, fifteen hundred dollars.

For the salaries of nine Brigade Inspectors, each two hundred and sixteen dollars; in the whole, one thousand nine hundred and forty-four dollars.

As a compensation for the Arsenal keeper and powder receiver, in the city of Charleston, three hundred dollars.

For the salary of the Port Physician of Charleston, for boat hire and all other expenses appertaining to said office, one thousand dollars.

As a compensation for the Arsenal keepers and powder receivers for Abbeville, Camden, Georgetown and Beaufort, each fifty dollars—in the whole, two hundred dollars.

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For the contracts of the State Printer, a sum not exceeding fifteen hundred dollars.

As a compensation for the Pilot of the bar and harbour of Georgetown, three hundred and twenty-two dollars.

As a compensation for the Pilot of the bar and harbor of Beaufort, three hundred and twenty-two dollars.

For Annuities, seven thousand dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary of the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

As a contingent fund subject to the Governor's draft, he submitting an annual account of the expenditure thereof, six thousand dollars.

For the expenses of the Members of the Legislature at their present session, and pay of the Solicitors for their attendance, thirteen thousand five hundred dollars; if so much be necessary.

As a compensation for two Doorkeepers to the Legislature, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars.

As a compensation for two Messengers, each two hundred and sixteen dollars—in the whole, four hundred and thirty-two dollars; to be paid at the adjournment of the legislature.

For rent of the Governor's house at Columbia, two hundred and fifty dollars.

For aid in supporting the transient poor in Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller, and by him submitted to the legislature.

For the discharge of the contingent expenses of the upper division, a sum not exceeding six thousand dollars.

For the discharge of the contingent expenses of the lower division, a sum not exceeding six thousand dollars.

Magazine
guard.

II. *And be it further enacted* by the authority aforesaid, That the pay hereinafter to be provided for the support and maintenance of the magazine guard shall be restricted to that of an officer, sergeant, and six men; and that the sum of two thousand two hundred dollars be appropriated for the payment of the said guard, under the direction of the comptroller general.

For building a house or houses for the accommodation of the professors of the South Carolina college, eight thousand five hundred dollars; the said sum to be subject to the draught of the board of trustees.

Paper medium
to be burnt.

III. *And be it further enacted* by the authority aforesaid, That the treasurer of the lower division of the treasury, under the direction of the comptroller general, and in his presence and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, and any three of the Judges of the Courts of Law or Equity, or in the presence of a majority of the persons above named, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State, now in the treasury, or that may be received previous to the next sitting of the Legislature, provided that the same shall not exceed of two thousand and sixty-one dollars, to be burnt; and to report to the Legislature the amount of the medium which may be burnt.

IV. *And be it further enacted* by the authority aforesaid, That the treasurers, on receiving any monies from the tax collectors, or any other persons, shall give him or her two receipts for the same; and in case any treasurer shall neglect to furnish such persons with two receipts as aforesaid, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars; to be recovered, in any court having jurisdiction thereof, by the comptroller general.

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Treasurer to give two receipts.

V. *And be it further enacted* by the authority aforesaid, That the sum of two hundred and fifty dollars be, and is hereby, appropriated as a compensation to D. & J. J. Faust, for printing extracts of the journals of the Senate.

To defray the expenses of the quota of militia of this State, if called for and ordered to be encamped for training, seven thousand dollars.

As a compensation to the Rev. Doctor Mills and the Rev. Mr. Judge, for performing divine service during the present session of the Legislature, two hundred dollars.

VI. *And be it further enacted* by the authority aforesaid, That the sum of twelve hundred dollars be, and is hereby, appropriated for the salaries of two tutors in the South Carolina College; and that the sum of sixteen hundred dollars be, and the same is hereby, appropriated as a salary for the professor of chemistry and natural philosophy in the said college.

Salaries of two tutors in the college.

VII. *And be it further enacted* by the authority aforesaid, That so much of the money in the treasury as is unappropriated by law, be, and the same is hereby, appropriated for the purchase of the debt of this State; and that the President of the Senate, Speaker of the House of Representatives, John Johnson, Jr., Thomas Bennett, Jr., Edmund M. Phelon and James Carson, be, and they are hereby appointed, commissioners, who, with the comptroller-general, they, or a majority of them, are hereby authorized and directed to carry the same into effect.

Debt of this State to be purchased.

VIII. *And be it further enacted* by the authority aforesaid, That the aforesaid commissioners are hereby directed and required to advertise in one or more of the Gazettes in the city of Charleston, the authorities so vested in them for the purchase of such funded debt of this State.

IX. *And be it further enacted* by the authority aforesaid, That in case any of the holders of the public stock of this State shall refuse, on application of the comptroller-general, to sell the same to the State at par, it shall, and is hereby declared to, be the duty of the comptroller-general, and he is hereby authorized and empowered, to cause the amount of such stock, with the interest calculated thereon, to be tendered to the said stock holders; and in case the said stockholders shall refuse to sell or suffer the same to be redeemed at par, then and in that case, the interest shall cease from the day the said tender was made.

X. *And be it further enacted* by the authority aforesaid, That the sum of thirty-seven dollars and twelve cents be, and the same is hereby, appropriated as a compensation to John Lewis, for attending Beaufort court as a witness.

As a compensation to Samuel Wilson, for a negro drowned in clearing out obstructions in the navigation of Black river, four hundred dollars.

As a compensation to James Gibson, for a negro executed, one hundred and twenty-two dollars, and forty-two cents.

As a compensation to Sergeant John Bowen and four men, for guarding Abbeville gaol, in the year one thousand eight hundred, thirty dollars.

As a compensation to Harrison Brandon, for carrying an express from the managers of election of Union district, twelve dollars.

As a compensation to John Lide, executor of Andrew Smith, late sheriff

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of Chesterfield, for dieting a prisoner and guard, one hundred and twenty-seven dollars, twelve and a half cents.

For medicine and attendance on prisoners in the year one thousand eight hundred and nine, to Dr. Freeborn Adams, sixty-nine dollars, fifty cents.

To Dr. Hugh M'Burnie, thirty dollars, ninety-nine cents.

To Dr. Edward Fisher, seven dollars fifty cents.

XI. *And be it further enacted* by the authority aforesaid, That the following sums be, and the same are hereby, appropriated for the repairs of the court houses and gaols hereinafter mentioned.

For the court house of Georgetown district, eight hundred dollars.

For the court house of Marion district, three hundred and fifty dollars.

For the court house and gaol of the district of York, five hundred dollars.

For the court house of the district of Union, two hundred and fifty dollars.

For the gaol of Edgefield district, one hundred dollars.

For the gaol of Greenville district, two hundred dollars.

For the gaol of Chester district, a sum not exceeding two hundred dollars.

To Alexander Kincaid, on account of interest money due him, seventy-five dollars, forty-five cents.

For Charles Miller, sen. four hundred and twenty-eight dollars fifty-seven cents, for arrears of his pension allowed since the year ninety.

For William Stroud, eighty-five dollars and seventy-two cents, for arrears of pension allowed since the year eighteen hundred and eight.

For Robert Boyd, forty-two dollars and eighty-six cents, for arrears allowed since the year eighteen hundred and nine.

As a compensation to the Rev. William Knox, for preaching a session sermon at Williamsburgh court house, March term, eighteen hundred and ten, twelve dollars and eighty-five cents, to be paid out of the fines and forfeitures.

For John Miller, one hundred and fifty dollars, as a compensation for land granted to him by the State as a bounty, but never obtained.

XII. *And be it further enacted*, That the sum of three thousand dollars be, and the same is hereby, appropriated for the finishing and completion of the gaol of Georgetown, to be paid to the order of the commissioners for superintending the building of the said gaol.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, and in the thirty-sixth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 2003. *A N ACT* PRESCRIBING, ON THE PART OF THIS STATE, THE TIMES, PLACES AND MANNER OF HOLDING ELECTIONS FOR REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES.

Preamble.

WHEREAS, by the census of the inhabitants of the United States, taken in conformity with the Constitution thereof, and the Act of Congress,

this State is entitled to send nine members to the House of Representatives of the United States, at the next Congress :

A D. 1812.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That this State be, and is hereby, divided into nine districts, for the purpose of electing representatives from this State to the Congress of the United States; of which the district of Charleston, exclusive of St. John's, Colleton, and St. Andrew's, shall form one district; that the united districts of Colleton and Beaufort, including the parishes of St. John's, Colleton, and St. Andrew's, shall constitute one district; that the united districts of Georgetown, Horry, Marion, Marlborough, Williamsburgh and Darlington, shall constitute one district; that the united districts of Barnwell, Orangeburgh, Lexington and Richland, shall form one district; that the united districts of Fairfield, Newberry and Laurens, shall form one district; that the united districts of Edgefield and Abbeville, shall form one district; that the united districts of Pendleton and Greenville, shall form one district; that the united districts of Spartanburgh, Union, York and Chester, shall form one district; and the united districts of Lancaster, Kershaw, Sumter and Chesterfield, shall form one district; and each of the said districts shall send one representative to the House of Representatives of the United States, who shall be chosen by the persons qualified to vote for members of the House of Representatives of this State.

Election districts.

Each district to send one representative to Congress.

II. *And be it further enacted* by the authority aforesaid, That the elections of representatives from this State to Congress shall be held at the same times and places, and be regulated and conducted by the same managers, and in the same manner, as the elections of members of the State Legislature; and the person who, at any of the said elections, shall have the greatest number of votes in any of the said districts, shall be the member for that district, to the House of Representatives in the Congress of the United States, from this State.

Elections, when to be held.

III. *And be it further enacted* by the authority aforesaid, That the respective managers of the several election districts aforesaid shall, within twenty days after each and every election for representatives in Congress, transmit the ballots by them respectively taken to Columbia, safely and securely enclosed in paper, sealed with their seals, and directed to the Governor or Commander-in-chief of this State, or to the Secretary of this State, by a person by them to be employed particularly for that purpose, who, at the time of receiving the said packet, shall take an oath before some magistrate, "safely to convey and deliver such packet, agreeably to the directions, (sickness and unavoidable accidents excepted); and in case of sickness, that he will deliver the same, in good order, and the seals unbroken at the time of such delivery, to some other person, to be conveyed to Columbia." And the Governor, or the Secretary of State, as the case may be, on the receipt of any such packet shall cause to be administered to the person delivering the same, the following oath, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that the paper or packet now delivered by me, with the contents, were placed in my hands by the managers of the election district of ———, (or by ———, in case he has received the same from the messenger first entrusted,) and that the said packet has not been delivered out of my custody to any person since the same was delivered to me, nor has the said paper or packet been opened by me, or any other person, to my knowledge, or with my connivance or consent. So help me God." Which paper or packet, so delivered, shall

Ballots to be sent to Columbia.

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be received by the Governor, or Secretary of State; and the several persons who shall be employed in conveying the said packets to Columbia, from the several election districts in this State, shall be entitled to receive, and shall be paid, three dollars per diem, for coming to and going from Columbia, allowing forty miles for each day's journey.

Votes to be
counted by
commissioners.

IV. *And be it further enacted* by the authority aforesaid, That the Governor or Commander-in-chief for the time being, or, in case of his sickness, death, or absence, the Lieutenant Governor, on every first Monday in December next after each succeeding election, shall cause the said returns to be publicly opened, examined and counted in his presence, at Columbia, by three or more commissioners, to be by him, and under his hand and seal, appointed for that purpose; and shall ascertain the number of votes given at the different elections, for every person, and what nine persons shall have, respectively, the greatest number of the votes in the said several districts, and shall then deposit the original poll of each of the said nine districts in the office of the Secretary of State; and after having ascertained what nine persons have been elected, as before directed, he shall notify, by proclamation, that those persons have been duly elected members of the House of Representatives in the Congress of the United States, from this State: Provided, that if both the Governor and Lieutenant Governor shall be absent from Columbia, the Secretary of State, together with three commissioners, to be appointed as herein before directed, shall and may open and count the votes, and ascertain the nine persons elected as aforesaid, and transmit the result thereof to the Governor, or, in case of his absence or death, to the Lieutenant Governor, to be notified by proclamation as aforesaid: Provided, that the three commissioners, to be appointed as aforesaid, shall, in all cases, before they proceed to act in the premises, take an oath before some magistrate, "That they will faithfully and impartially, and to the best of their skill, discharge the duties required of them by this Act."

Elections to be
proclaimed by
the Governor.

Duty of the
managers.

V. *And be it further enacted*, That the managers of the said elections be, and they are hereby, required, the next day after the poll shall be closed, to count over, in a public manner, the ballots which shall be given in the respective election districts, for the respective candidates or persons balloted for; and the said managers shall keep an account, in writing, of the number of votes which each candidate shall have, and shall also transmit to the Governor, with the ballots, a duplicate of such account.

Persons elect-
ed for two or
more districts
to make choice.

VI. *And be it further enacted*, That in case the same person shall be returned for two or more districts, he may, within twenty days after due notice shall be given him thereof, choose for which district he will serve: and on his making such choice, or neglecting so to do, within the said term, the Governor or Commander-in-chief shall direct another election to be held within twenty days thereafter, for the vacant district or districts, to be conducted as is before directed by this Act. And the Governor or Commander-in-chief shall proceed in the same manner where the member elected in any of the said election districts refuses to serve, or omits to signify to the Governor or Commander-in-chief, within twenty days after he has received due notice of his election, his intention of serving. And in case of the death of any person elected, or if his seat shall become vacant by any other means, or if two or more persons shall have equal votes for the same district, the Governor or Commander-in-chief shall order a new election, as the case may require, to be conducted as is herein before prescribed.

VII. *And be it further enacted* by the authority aforesaid, That all Acts or clauses of Acts contrary to this Act be, and the same are hereby, repealed. A. D. 1812.

In the Senate House, the twenty-ninth day of August, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT to extend the provisions of an Act entitled "An Act to remedy the defects of the Court of Ordinary in the several districts where there are no County Courts, as to matters and cases in which the Ordinaries of those districts may be respectively interested," passed the seventh day of March, one thousand seven hundred and eighty-nine, to all the Circuit Court districts throughout the State. No. 2004.

(Passed August 29, 1812. *See last volume.*)

AN ACT FOR RATIFYING AND CONFIRMING A CONVENTION BETWEEN THE STATE OF SOUTH CAROLINA AND THE STATE OF NORTH CAROLINA, CONCLUDED AT COLUMBIA, IN THE STATE OF SOUTH CAROLINA, ON THE ELEVENTH DAY OF JULY, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND EIGHT, AND IN THE THIRTY-THIRD YEAR OF THE INDEPENDENCE OF THE UNITED STATES OF AMERICA. No. 2005.

WHEREAS, a dispute and difference have arisen and subsisted between the said States of South Carolina and North Carolina, concerning boundaries, the said States claiming respectively the same territories. And whereas, it appeared to be the sincere wish and desire of the said States of South Carolina and North Carolina, that all and singular the differences and claims subsisting between the said States relative to boundary should be amicably adjusted and compromised. And whereas, the Governor of the State of South Carolina, being duly authorized for that purpose, did appoint Joseph Blythe, Thomas Sumpter, jr., and James Kilgore, commissioners, and did invest them, or a majority of them, with full and absolute power and authority, in behalf of that State, to settle and compromise all and singular the differences, controversies, disputes and claims which subsist between the said State and the State of North Carolina, relative to boundary, and to establish, and permanently fix, a boundary between the two States; and the said State of South Carolina did declare that it would at all times thereafter, so soon as the actings and doings of the said commissioners, in and touching the said disputes relative to boundary, should be ratified by the Legislature of the State of South Carolina, the same should be forever binding on the State of South Carolina. And whereas, the Legislature of the State of North Carolina did appoint

Preamble.

A. D. 1812.

John Steele, John Moore and James Wellborn, commissioners, and did invest them with full and absolute power and authority, in behalf of that State, to settle and compromise all and singular the differences, controversies, disputes and claims, which subsist between the said State and the State of South Carolina relative to boundary, and to establish, and permanently fix, a boundary between the two States; and the said State of North Carolina did also declare, that it would at all times thereafter ratify and confirm all and whatsoever the said last mentioned commissioners, or a majority of them, should do, in and touching the premises, and that the same should be forever binding on the said State of North Carolina. And whereas, the said Joseph Blythe, Thomas Sumpter, John Steele, John Moore and James Wellborn, commissioners on the part of the said States of South Carolina and North Carolina respectively, did by mutual consent assemble at the town of Columbia, in the State of South Carolina, on the eleventh day of July, in the year of our Lord one thousand eight hundred and eight, in order to the due execution of their respective trusts, and did respectively exchange and consider their full powers, and did declare the same legal and forever binding on both States; and on conferring on the most effectual means of adjusting the differences subsisting between the said States, and of establishing and permanently fixing a boundary between them, did mutually agree, for and in behalf of their respective States, to the following articles, that is to say:

ARTICLE 1. The line beginning at a cedar stake on the Atlantic ocean, and running thence north-west and west to a point at the Salisbury road near the Catawba lands, as described in the plans of survey begun in one thousand seven hundred and thirty-five, and ended in one thousand seven hundred and sixty-four, shall be and remain the same in its whole extent as heretofore established.

ARTICLE 2. From which point at the said Salisbury road mentioned in the preceding article, instead of following the road to where it enters the Catawba lands as at present, which road is liable to change and uncertainty, a line shall be run and marked in a direct course to the south-east corner of the said Catawba lands at twelve mile creek; which line is hereby established in lieu of the said road; thence along the line of the said Catawba lands, pursuing its different courses, to where the Catawba river enters the said lands on the north, thence with the middle stream of that river northwardly to the confluence of the northern and southern branches thereof, and thence due west along the line as run and marked by commissioners in the year one thousand seven hundred and seventy-two, to the termination of the said line.

ARTICLE 3. And from the termination of the said line of one thousand seven hundred and seventy-two, a line shall be extended in a direct course to that point in the ridge of mountains which divides the eastern from the western waters, where the thirty-fifth degree of north latitude shall be found to strike it nearest to the termination of the said line of one thousand seven hundred and seventy-two; thence along the top of the said ridge to the western extremity of the State of South Carolina; it being understood that the State of South Carolina does not mean by this arrangement to interfere with claims which the United States, or those holding under her act of session to the United States, may have to lands which may lie (if any there be,) between the top of the said ridge and the said thirty-fifth degree of north latitude.

ARTICLE 4. The contracting parties for their mutual benefit and convenience, agree to adopt and confirm the lines of boundary as described in the preceding articles, and to renounce respectively to each other every right, claim, and pretension which may be inconsistent with the true mean-

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ing and purpose of this agreement, which is to establish between the States of South Carolina and North Carolina a permanent and unalterable boundary. Provided nevertheless, that in case at any time this agreement shall be contested, or not conformed to, after the ratification of it by the legislatures of the said States, all the rights, claims and pretensions herein intended to be renounced and conveyed, and all other rights and claims in relation thereto, shall revive and exist in the same force and effect as they did before the signing of these presents, in favor of the State which shall conform thereto.

1. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said convention, and all the articles thereof, shall be forever binding on the State of South Carolina; and that the same is hereby fully and absolutely ratified and confirmed.

In the Senate House, the twenty-ninth day of August, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT ^{MAKING} ADDITIONAL APPROPRIATIONS FOR THE YEAR ONE No. 2006.
THOUSAND EIGHT HUNDRED AND TWELVE.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sums hereafter mentioned be respectively appropriated Appropriations for the following purposes :

For the expenses of the members of the Legislature at the present session, and pay of the Solicitors for their attendance, six thousand dollars—if so much be necessary.

For the Comptroller-general, as a compensation for his travelling expenses and attendance during the present session, six dollars per diem.

For the Secretary of State, as a compensation for his travelling expenses and attendance during the present session, six dollars per diem.

For the Clerk of each house, for their attendance during the present session, each three hundred dollars—in the whole, six hundred dollars.

For the Doorkeepers and Messengers of each house, for their attendance during the present session, each sixty dollars—in the whole, two hundred and forty dollars.

For the State printers, in addition to the amount of the contract for printing during the present year, not exceeding three hundred dollars.

For house rent for the Governor, one hundred dollars.

For Thomas Key, in conformity with a resolution of the Legislature, passed in December last, for a negro executed, one hundred and twenty-two dollars, forty-four cents.

For the purchase of arms and munitions of war, sixty thousand dollars—if so much be necessary.

For the purchase of blankets for the quota of the militia of this State, a sum not exceeding seven thousand five hundred dollars.

As a contingent fund subject to the Governor's draft, four thousand dollars.

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To G. Chapman, amount of his account, thirty dollars, twelve and an half cents.

To William Wallace & Co., for quills, ten dollars.

To John G. Flaglu, for bringing a return from Clarendon county to Columbia, of election of Dr. Boyd, a member of House of Representatives, seven dollars.

In the Senate House, the twenty-ninth day of August, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 2007. *AN ACT* PROVIDING FOR THE BETTER DEFENCE OF THIS STATE; AND FOR OTHER PURPOSES THEREIN MENTIONED.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissary-general of purchases be, and he is hereby, authorized to draw on the comptroller-general to comply with such contract or contracts as may have been made by him in behalf of this State, or which shall hereafter be made; provided, he does not at any time draw from the treasury more than the sum of ten thousand dollars; and that whenever he may have drawn to the amount of ten thousand dollars, he shall account therefor, previous to his making any further draft; and that it shall be the duty of the commissary-general to render, monthly, an account to the Governor of the sum or sums so drawn by him, the manner in which the same has been expended, and also the manner in which the articles so purchased have been disposed of.

II. *And be it further enacted*, That the Commissary-general of purchases is hereby required to give bond, with security in the sum of thirty thousand dollars, for the faithful performance of his duty; which security shall be approved of by the Governor and Comptroller-general.

III. *And be it further enacted*, That the Commissary-general do, and he is hereby authorized to, contract for and purchase the following munitions of war for the use of the militia of this State, viz: Five thousand weight of gun-powder, two thousand muskets and bayonets, five hundred sabres and five hundred pair of pistols for the cavalry, two thousand bayonets, belts and scabbards, cartouch boxes, brushes and pickers, twenty thousand flints, ten iron eighteen pounders, two thousand balls for ditto, two hundred balls for twenty-four pounders, three hundred and forty canteens, one ammunition wagon, five tumbrils, and twenty hanks of match rope: Provided, the said articles shall not exceed the sum of sixty thousand dollars; and if they shall exceed that amount, that so many of them shall be purchased as shall be thought most necessary by the commander-in-chief.

IV. *And be it further enacted*, That the arms and equipments herein directed to be purchased, the arms and equipments now on hand, and any arms and equipments which may at any time be appropriated by the general government for the use of this State, shall be distributed and disposed of by the Governor and Commander-in-chief, in such manner and in such proportions among the several regiments of militia, as in his judgment shall most conduce to the interest and better defence of this State.

V. *And be it further enacted* by the authority aforesaid, That each non-

Commissary-general to draw on the Comptroller-general for the sum appropriated.

Commissary-general to give bond.

Commissary-general to contract for and purchase munitions of war.

Disposal of arms.

commissioned officer and private of the militia of this State, who has been drafted or volunteered to serve in the quota of this State, and has been or shall be actually called into the field on or before the first day of February next, shall be furnished with one blanket, which shall be purchased by the Commissary-general of the State.

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Blankets.

VI. *And be it further enacted* by the authority aforesaid, That the Governor be, and he is hereby, authorized to direct the Commissary-general to dispose of any muskets and ordnance in the arsenals of this State, which may be unfit for repair, on the best terms which can be obtained, and deposit the proceeds in the treasury of the State; and that the sum of two thousand dollars be, and the same is hereby, appropriated for the purpose of mounting and putting in complete order, for actual service, the cannon belonging to the State, and repairing the carriages of such as are or may hereafter be injured.

Cannon.

VII. *And be it further enacted* by the authority aforesaid, That all Acts or clauses of Acts heretofore passed making appropriations for the purchase of ordnance, arms or military stores, be, and the same are hereby, repealed; and all sums which remain unexpended of such appropriations shall pass over to the credit of the treasury of this State, to remain there until appropriated by law.

Repealing clause.

In the Senate House, the twenty ninth day of August, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT TO PREVENT THE PERNICIOUS PRACTICE OF DUELLING.

No. 2008.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, if any person or persons, resident in, or being a citizen of, this State, shall fight a duel, or shall send or give or accept a challenge to fight a duel, within this State, or shall cause any such challenge to be sent, given or accepted, within this State, or within the limits of the United States, his or their seconds, and all and every other person or persons directly or indirectly concerned in fighting any duel, or sending, giving, accepting or carrying or conveying any such challenge, their counsellors, aiders and abettors, upon being thereof convicted in any court having jurisdiction, shall be imprisoned for twelve months, and shall severally forfeit and pay a fine of two thousand dollars, the one half thereof to be appropriated to the use of the State, the other half to the informer, and shall stand committed until such fine is paid, and until he or they shall severally give ample security, to be approved by one of the associate judges of this State, in the sum of two thousand dollars, or his perpetual good behavior, and shall for ever be disqualified from holding any office of honor, profit or trust, in or under this State, or from practising law, physic or divinity within this State, or exercising any other trade or profession or calling whatever. Provided, however, that in case any death shall happen in consequence of any duel, this Act shall not be so construed as to save the offenders the pains and penalties of the laws of the land provided for the punishment of homicide.

Duelling prohibited.

II. *And be it further enacted* by the authority aforesaid, That all Acts and

A. D. 1812. parts of Acts repugnant to this Act be, and the same are hereby, repealed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 2009. AN ACT TO AUTHORIZE AND OBLIGE THE SEVERAL GAOLERS IN THIS STATE TO RECEIVE FOR SAFE KEEPING SUCH PERSON OR PERSONS AS MAY BE APPREHENDED OR MAY BE IN CONFINEMENT ACCORDING TO LAW, IN ANY DISTRICT WHEREIN THE GAOL OR GAOLS NOW ARE, OR MAY HEREAFTER BE, DESTROYED BY FIRE OR OTHER ACCIDENTS; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Disposal of
prisoners when
gaols are
destroyed.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in all cases where any person or persons shall hereafter be apprehended or in confinement, according to law, in any district or districts in this State, wherein the gaol or gaols now are, or hereafter may be, destroyed by fire or other accidents, he, she or they shall be committed to the gaol nearest the one destroyed, for safe keeping; and the several gaolers in this State who now are, or may hereafter be, the keepers of the gaols nearest to those gaols that may be destroyed as aforesaid, shall be, and they are hereby, authorized and required to receive and safely keep such person or persons apprehended or in confinement as aforesaid in those districts in which the gaol or gaols now are, or hereafter may be, destroyed as aforesaid, and shall receive such fee or fees for the safe keeping of such person or persons as by law is now provided, as a compensation for such confinements, respectively. Provided, nevertheless, that all persons who now are, or may hereafter be, apprehended or in confinement, on mesne or final process, and who now are, or may hereafter become, admitted to gaol bounds, and shall have given good and sufficient security for the keeping of the said gaol bounds, according to law, shall be continued in the district in which they may respectively be apprehended or in confinement, and within the bounds now established by law for the several gaols in this State.

Gaolers to live
in the gaols.

II. Whereas, it has become a practice, in many of the districts of this State, for the sheriffs of the same not to employ gaolers, and who do not reside in the gaols themselves, by which public justice is frequently eluded, by rendering the escape of criminals more easy, and the buildings suffer a premature decay by neglect; for remedy whereof, *Be it enacted*, That from and after the passing of this Act it shall be the duty of each and every sheriff in this State, who does not live in the gaol, to employ proper and discreet persons as gaolers, who shall live within the same, and who are hereby prohibited from using the house for any other purpose than that for which it was designed by law.

III. *And be it farther enacted*, That all Acts and parts of Acts as are repugnant to the foregoing, be, and the same are hereby, repealed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

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AN ACT to exempt the officers, non-commissioned officers and privates of the City Guard of Charleston from militia duty. No. 2010.

(Passed December 18, 1812. See last volume.)

AN ACT TO INCREASE THE NUMBER OF JUSTICES OF THE QUORUM AND PEACE IN SEVERAL DISTRICTS IN THIS STATE. No. 2011.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That there shall be two justices of the quorum for the district of Union, in addition to the number now allowed by law.

For Abbeville district, two justices of the quorum and one justice of the peace, in addition to the number now allowed by law.

For Greenville district, three justices of the peace, in addition to the number now allowed by law.

For York district, two justices of the quorum and one justice of the peace, in addition to the number now allowed by law.

For Newberry district, one justice of the peace, in addition to the number now allowed by law.

For Horry district, one justice of the quorum, in addition to the number now allowed by law.

For Williamsburgh, three justices of the quorum, in addition to the number now allowed by law.

For Marion district, one justice of the quorum and two justices of the peace, in addition to the number now allowed by law.

For Barnwell, two justices of the quorum and four justices of the peace, in addition to the number now allowed by law.

For Pendleton district, two justices of the quorum and two justices of the peace, in addition to the number now allowed by law.

For Marlborough district, one justice of the quorum, in addition to the number now allowed by law.

For Clarendon county, two justices of the quorum, in addition to the number now allowed by law, and two justices of the peace.

For Claremont county, one justice of the quorum, in addition to the number now allowed by law.

For Salem county, one justice of the quorum, in addition to the number now allowed by law.

For the parish of St. James, Goose-creek, one justice of the quorum and one justice of the peace, in addition to the number now allowed by law.

For Chester district, one justice of the quorum and one justice of the peace, in addition to the number now allowed by law.

For Kershaw district, three justices of the peace, in addition to the number now allowed by law.

For Charleston district, six justices of the quorum and twelve justices of the peace, in addition to the number now allowed by law.

II. *And be it further enacted* by the authority aforesaid. That from and immediately after the passage of this Act, no notary public, justice of the

A. D. 1812.

quorum, or justice of the peace, shall be exempted from the performance of patrol or militia duty, required by law.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 1012. *AN ACT* MAKING IT UNNECESSARY FOR THE SHERIFFS OF CERTAIN DISTRICTS, HEREIN MENTIONED, TO ADVERTISE SALES OF PROPERTY TAKEN IN EXECUTION IN THE PUBLIC GAZETTES.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall not be necessary for the sheriffs of Newberry district, Laurens district, Abbeville district, Spartanburgh district, Greenville district, Fairfield district, Kershaw district, Lexington district, and Edgefield district, to advertise in the public gazettes any property to be sold by them; any law, usage or custom to the contrary thereof in any wise notwithstanding,

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh of the Independence of the United States of America,

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 1013. *AN ACT* LIMITING THE TERM OF SERVICE OF CERTAIN OFFICERS, WHO HAVE HERETOFORE HELD THEIR OFFICES DURING GOOD BEHAVIOUR; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and it is hereby enacted by the authority of the same, That the following officers be hereafter elected by joint ballot of both branches of the Legislature, for the terms of time hereinafter mentioned, viz: Attorney-general for four years; Solicitors for four years; Tax-collectors for four years; Ordinaries for four years; Clerks of the Courts of Sessions and Common Pleas for four years; Registers, Master and Commissioners of the Court of Equity for four years; Commissioners of Locations and Register of Mesne Conveyances for four years each; and the aforesaid officers to hold their offices for their respective terms aforesaid, and until another be elected.

Enumeration
of officers.

II. *Be it further enacted* by the authority aforesaid, That in all joint ballots for the officers above mentioned, a majority of all the votes given on such joint ballot shall be necessary to constitute an election.

III. *Be it further enacted* by the authority aforesaid, That the Attorney-general, before the entering upon the duties of his office, shall execute a bond, with two good securities, in the penal sum of ten thousand dollars, to the State of South Carolina, for the faithful discharge of the duties of his office; that the Solicitors, before the entering upon the duties of their offices, shall respectively give bond, with two good securities, to the State of South Carolina, in the penal sum of five thousand dollars, for the faithful discharge of the duties of their respective offices; that each Tax collector, before the entering upon the duties of his office, shall execute a bond to the State of South Carolina, with two or more good securities as heretofore, for the sums already established by law, for the faithful discharge of the duties of his office; that each Ordinary, before the entering upon the duties of his office, shall execute a bond, with two or more good securities, to the State of South Carolina, for the faithful discharge of the duties of their office—the Ordinary of Charleston district, in the penal sum of ten thousand dollars; the Ordinary of Georgetown district, in the penal sum of seven thousand dollars; the Ordinary of Beaufort district, in the sum of five thousand dollars; the Ordinary of Colleton district, in the sum of five thousand dollars; and all other Ordinaries, each in the sum of three thousand dollars: That each Clerk of the Courts of Sessions and Common Pleas, before the entering upon the duties of his office, shall give the same security and in the same manner as already established by law, for the faithful performance of the duties of his office; that each Register and Commissioner in Equity shall, respectively, before the entering upon the duties of their office, execute a bond to the State of South Carolina, in the penal sum of twenty thousand dollars each, for the faithful performance of the duties of their respective offices. And that such bonds be taken, in the several districts throughout the State respectively, by the commissioners appointed to take bonds and securities from the sheriffs of the several districts of said State, and be transmitted by the commissioners aforesaid to the comptroller general, to be by him deposited in the treasurer's office of the upper division, when they relate to the upper division, and when relating to the lower division, to be deposited in the treasurer's office in Charleston.

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Bonds and security of officers.

IV. *Be it further enacted* by the authority aforesaid, That the comptroller general shall be elected as heretofore for two years, but after having served four years in succession shall not be re-eligible to that office till after the expiration of two years.

Comptroller-general.

V. *And be it enacted* by the authority aforesaid, That the escheator who now is or hereafter may be appointed for the district of Colleton shall give bond and security, for the performance of his duty, in the sum of two thousand dollars, and no more; any law to the contrary notwithstanding. Provided, he shall give bond and security in all other respects as by law he is now bound to do.

Escheator of Colleton.

VI. *And be it further enacted* by the authority aforesaid, That all officers heretofore mentioned by this Act, now in office, except the comptroller general, shall go out of office on the first day of December, in the year of our Lord one thousand eight hundred and sixteen.

Limitation of office.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

A. D. 1812.

No 2014.

AN ACT to incorporate the Free Mason Hall Company.

(Passed December 19, 1812. *See last volume.*)

No. 2015. AN ACT TO AFFORD LANDLORDS OR LESSORS AN EXPEDITIOUS AND SUMMARY MODE OF GAINING RE-POSSESSION FROM TENANTS OR LESSEES, WHO SHALL HOLD OVER AFTER THE DETERMINATION OF THEIR LEASES.

Preamble.

WHEREAS, great and serious inconvenience is frequently experienced by landlords and lessors, from the holding over of their tenants and lessees after the expiration of their leases; whereby, the said landlords and lessors are prevented from enjoying or occupying their own lands and tenements, or giving, granting or demising the same to another person; and whereas, the delays incident to law proceedings render them very insufficient in those cases where the lessors are desirous of regaining immediate possession; and the penalties incurred by tenants holding over are in many cases nominal or precarious, as those tenants might be unable to pay either the rent due or the penalties so incurred:

Proceedings to
give landlords
re-possession.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That where any person or persons having leased or demised in writing any lands or tenements to any person or persons for a term of one or more years, or at will, and he, she or they, or his, her or their heirs or assigns, shall be desirous upon the determination of the lease to have again and re-possess his, her or their estate so demised, and for that purpose shall demand and require in writing, his, her or their lessee or tenant to remove from and leave the same, if the lessee or tenant shall refuse to comply therewith in ten days after such request to him or her made, it shall and may be lawful to and for such lessor or lessors, his, her or their heirs and assigns, to complain thereof to any two justices of the peace or of the quorum, or to one justice of the peace and one of the quorum, in the district where the demised premises are situate; and upon due proof made before the said justices, that the said lessor or lessors had so leased or demised the premises to the then tenant in possession, or some person or persons under whom such tenant claims or came into possession, and that the term for which the same was demised or leased is fully ended, and that demand in writing for delivering possession thereof has been made; that then, and in such case, it shall and may be lawful for the said two justices to whom complaint shall be made as aforesaid, and they are hereby enjoined and required, forthwith to issue their warrant in nature of a summons, directed to the sheriff of the district, thereby commanding the sheriff to summon twelve substantial freeholders to appear before the said justices within four days next after issuing the same summons, and also to summon the lessee or tenant, or other person claiming or coming into possession under the said lessee or tenant, at the same time to appear before them the said justices and freeholders, to shew cause, if any he or she has, why restitution of the possession of the demised premises should not be forthwith made to such lessor or lessors, his, her or their heirs and

assigns; and if upon hearing the parties, or in case of the tenant's, or other person or persons claiming or coming into possession under the said lessee or tenant, neglecting to appear after being summoned as aforesaid, it shall appear to the said justices and freeholders that the said lessor or lessors had so leased or demised the premises to the then tenant in possession, or some person or persons under whom such tenant claims or came into possession, and that the term for which the same was demised or leased is fully ended, and that demand in writing for delivering possession thereof has been made as herein before directed, that then, and in every such case, it shall and may be lawful for the said two justices to make a record of such finding by them the said justices and freeholders; which judgement shall be final and conclusive to the parties in respect to the facts directed to be decided by it; and upon which the said justices shall, and they are hereby enjoined, empowered and commanded to, issue their warrant under their hands and seals, directed to the sheriff of the district, commanding him forthwith to deliver to the lessor or lessors, his, her or their heirs or assigns, full possession of the demised premises aforesaid, and to levy the expenses incurred by the investigation of the case, and taxed by the justices, of the goods and chattels of the lessee or tenant, or other person in possession as aforesaid; any law, custom or usage to the contrary notwithstanding: Provided, nevertheless, that nothing herein contained shall be construed to deprive any landlord or lessor of any remedy heretofore allowed him either by the common law or by any Act of the General Assembly.

A.D. 1812.

In the Senate House, the nineteenth of December, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT to amend an Act entitled "An Act to authorize the opening and widening of State, late Motte and Union streets, in the City of Charleston, in such manner and under such provisions as are herein specified." No. 2016.

(Passed December 18, 1812. See last volume.)

AN ACT TO AMEND AN ACT ENTITLED "An Act for regulating the admission of Attornies and Solicitors to practice in the Courts of this State." No. 2017.

WHEREAS, the term of study heretofore required by law for admission to practice in the Courts of Law and Equity in this State, has been found by experience to occasion an unnecessary and expensive delay to the youths of this State :

Preamble.

A. D. 1812.

Terms of admission to the Bar.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every person, being a citizen of this State, who shall be desirous of admission to the bar, shall apply by petition to the Judges of the Courts of Law and Equity respectively, who shall, upon examining such petitioner, admit him, if they shall deem him properly qualified, to plead and practice in the several Courts of Law and Equity; any law, usage or custom to the contrary notwithstanding: Provided, that he produce satisfactory evidences of his morality and general good character; and provided, also, that no person shall be admitted to the bar who shall not have attained the age of twenty-one years; and that it shall be the duty of the Judges of the Courts of Law and Equity to see that the candidates for admission in the respective Courts shall be examined rigidly upon the theory and practice of law, and the principles and practice of equity.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 2018. *AN ACT* TO ALTER AND AMEND AN ACT ENTITLED "*An Act to enable the Catawba Indians to make leases of their lands, for life or lives, or terms of years; and for other purposes therein mentioned.*"

Preamble.

WHEREAS, many inconveniencies have been experienced by the lessees of the Catawba Indians, as well as by the Indians themselves, under the operation of an Act passed in the year of our Lord one thousand eight hundred and eight, which Act ordains "That no payments shall at any time be made for such lease, or any part thereof, for more than three years rent in advance; and that no payments shall be deemed or held to be valid unless the same be made conformably to this Act, and receipts therefor given by such of the chiefs of the nation as usually transact their affairs, and by a majority of the said superintendents:"

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said clause of the aforesaid Act be, and the same is hereby, repealed.

II. *And be it further enacted* by the authority aforesaid, That no payments shall be hereafter made for such lease, or any part thereof, for more than seven years rent in advance; and that no payments shall be held or deemed valid, unless receipts therefor be given and attested by one of the said superintendents.

III. *And be it further enacted* by the authority aforesaid, That a lease for three lives, or ninety-nine years, of the said Catawba lands, shall be, and the same is hereby declared to be, a qualification equivalent to a free-

hold, in all cases where a freehold is not required by the Constitution of this State or of the United States. A.D. 1812.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT TO ENABLE THE COMPANY FOR OPENING A CANAL FROM BACK RIVER TO CHAPEL BRIDGE, TO RAISE BY LOTTERY THE SUM OF FIVE THOUSAND DOLLARS. No. 2019.

WHEREAS, sundry inhabitants of the parish of St. James, Goosecreek, have, by their petition, represented that the canal directed and authorized by an Act of the Legislature, passed on the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-nine, to be opened from Back river to Chapel bridge, has been commenced and carried on for some considerable distance, and that there yet remains a distance of three miles at least, to be cut and opened, and that they have not sufficient ability to conduct so useful a work to an end without some relief, and have prayed that they might be authorized by an Act of the Legislature to establish and draw a lottery, in order to raise a fund for the completion of so useful a work :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said company shall have full power, and they are hereby fully authorized and empowered, to make and proceed to the drawing and concluding a lottery, for the purposes above mentioned. Provided, they do not, by the said lottery, raise a fund exceeding the sum of five thousand dollars.

Grant of a Lottery.


In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT TO ENABLE JOHN BOWMAN TO CHANGE HIS PRESENT NAME TO THAT OF JOHN BOWMAN LYNCH. No. 2020.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Bowman be, and he is hereby, authorized to change his present name to that of John Bowman Lynch ; and that he be here-

A. D. 1812.  after known and distinguished in law and in deed, sue and be sued, implead and be impleaded, bound and obliged, and vice versa, by the name of John Bowman Lynch.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 2021. AN ACT to establish a Bank, on behalf of and for the benefit of the State.

(Passed December 19, 1812. *See last volume.*)

No. 2022. AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWELVE; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Tax to be raised.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof.

Rate of taxation on lands.

II. *And be it enacted* by the authority aforesaid, That fifteen cents ad valorem on every hundred dollars be paid in specie or paper medium on all lands granted within this State, under the several regulations hereinafter mentioned. Class No. 1 shall contain all tide swamp of the first quality, not generally affected by the salts or freshets, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by the salts or freshets, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by the salts or freshets, which shall be rated at eight dollars and fifty cents per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight dollars and fifty cents per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; all pine barren lands, adjoining or contiguous thereto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers

A. D. 1812.

on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality to be rated at thirteen dollars per acre; the second quality at eight dollars and fifty cents per acre; the third quality at four dollars per acre; excepting such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 3 shall comprehend all high river swamps and low grounds lying above Snow Hill, the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the old Indian boundary line on Pedee, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of the parishes St. Philip's and St. Michael's, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands lying on the Sea islands, (Stann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford, on the Wateree, and the new boundary line on Pedee, and not included in the limits or description of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in numbers 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford on the Wateree, the first quality of which shall be rated at one dollar and fifty cents per acre; the second quality at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; and the second quality at sixty cents per acre; and the third quality at twenty cents per acre. Class No. 10 shall include all the lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

III. *And be it enacted* by the authority aforesaid, That thirty-five cents per head shall be levied upon all slaves, of all ages and descriptions; and the sum of two dollars per head upon all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved to the collectors to be incapable, from maims or otherwise, of obtaining a livelihood,) between the ages of fifteen and fifty; and the sum of fifteen cents ad valorem on every hundred dollars of the value of all lands, lots and buildings within any city, village or borough; and the sum of thirty-five cents for every hundred dollars of stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium or specie.

IV. *And be it enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property or estate of any religious society, or the South Carolina Society, the Winyaw Indigo Society, or the Fellowship Society, or the estate of the late Doctor De la Howe, demised for charitable purposes, or that part of the estate of the late Thomas

Rate of taxing slaves, &c.

Slaves employed on Indian lands.

Exceptions.

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Wadsworth which was devised for the establishment of a school, or the Clarendon, or the High Hills of Santee, or the Camden Orphan Societies, or the Columbia Academy, or the lands and funds owned by the Free School of Dorchester, the public lands held by the corporation of Charleston, or of the lands and funds of any society applicable to education or the maintenance of public schools; but that no houses owned or erected on such lands by any private individual or individuals shall be exempted from taxation, at the rate of one half of their full value, to be rated by the assessor or assessors and collectors in their respective districts.

Absentees
triple taxed.

V. *And be it enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a triple tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration of his commission; or to the property of any person now absent from the United States, unless such person has been absent for one year.

What shall be
received for
taxes.

VI. *And be it enacted* by the authority aforesaid, That the tax collectors throughout this State shall receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance in gold and silver at the bank of South Carolina, the State Bank, Union Bank, or the Planters and Mechanics Bank, or certificates for the payment of members of the Legislature, or the Solicitors, for their attendance on the Legislature.

Returns of all
property to be
made on oath.

VII. *And be it enacted* by the authority aforesaid, That each and every enquirer, assessor and collector shall, on their enquiry for the return of taxes of this State for the year one thousand eight hundred and twelve, administer the following oath to all such persons as shall be liable to pay any of said taxes, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that the account which I now give is a just and true account of the quantity and quality of the lands, and the number of slaves, which I was possessed of, interested in, or entitled to, on the first day of October, in the year of our Lord one thousand eight hundred and twelve, either in my own right or in the right of any other person whatsoever, either as guardian, agent, attorney, trustee, or in any other manner whatever, according to the best of my knowledge and belief; and that I will give just and true answers, according to the best of my knowledge, to all such questions as shall be asked touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever." And upon the principal of every sum or sums of money at interest, the interest of which is actually received, over and above what each person pays for interest, the said enquirers, assessors and collectors, and every of them to whom the same shall be returned, shall assess the sum of twelve and a half cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportionable sum on all other sums of money drawing less or more than seven per cent; to be recovered in like manner, in case of default, as the collectors are authorized by law to do on their returns of lands and slaves.

Tax on money
at interest.Money at interest
not returned

VIII. *And be it enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, he, she or they shall be liable to suffer the same forfeitures and pay the same penalties as are inflicted by law in case of their refusing or neglecting to make a return of his, her or their lands or slaves.

IX. *And be it enacted* by the authority aforesaid, That the instalments on paper medium which be due on the first Wednesday in March next, shall not be required to be paid as directed by an Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which will be in the year of our Lord one thousand eight hundred and fourteen. Provided, that no person shall be entitled to the benefit of this clause who shall not give additional security to the treasurer in Charleston, in all cases where he is not satisfied with the sufficiency of the former security, and in all cases where default has been made in paying what has been heretofore due, or which may be made in paying the interest to grow due on the first day of March next.

A. D. 1812.

Time of payment of the paper medium.

X. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act, and of the Act supplementary to the Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein," to each of the collectors appointed by law throughout this State, within one month after the passing of this Act, and their reasonable expenses incurred thereby shall be reimbursed.

Copies of this Act to be furnished.

XI. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, all persons liable to pay any taxes already or hereafter to be imposed by law, shall, on or before the first day of February in each and every year, give a just and true return to the collectors of their respective districts, of all slaves, and of the quantity and quality of all lands, monies at interest, stock in trade, factorage, employment, faculties and professions, as may be required and directed by the said laws, which they may hold or be entitled unto, in his, her or their own right, or in the right of any other person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise however; and shall, on or before the first day of May ensuing, pay his, her or their taxes to the collector of that collection district where the party making such return, by himself, his or her family, may reside the greater part of the year. And that the said collectors shall annually pay the same, and settle their accounts with the treasury, on or before the first day of June next ensuing, so far as relates to the collectors of the lower division of the treasury.

Times for making returns and paying taxes.

XII. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums borrowed by them, and sales have been made of the lands mortgaged to secure the said loan, and the treasurers have bought in the said lands for the want of bidders, and they still remain the property of the State, and unproductive; and in other cases the property so sold has been purchased in by the mortgagers and others, who have not complied with the terms and conditions of the sales; *Be it therefore enacted* by the authority aforesaid, That the treasurers of the State shall be, and they are hereby, respectively authorized and directed to cause all lands bought in as aforesaid on account of the State, and all lands purchased by the mortgagers or other persons whomsoever, who have not complied with the conditions of former sales of the said property, to be put up to sale, in the different districts in which they lie, by the sheriff of the said district, on a public sale day, after giving three months notice thereof, and shall sell the same to the highest bidder, who shall pay one fourth part of the purchase money in cash, and the remaining three fourths in one and two years; for the performance of which he shall give his bond and a mortgage of the premises, and also personal security, to be approved of by the sheriff and three commissioners, residing in such district, to be nomi-

Mortgaged lands bought in on account of the State to be sold.

A. D. 1812.

inated by the treasurer. Provided, no sale of mortgaged land shall take place when any person interested in the same shall, previous to the day of sale, tender one third part of the sum due, together with the expenses incurred.

Terms of such sales.

XIII. *And be it enacted* by the authority aforesaid, That on all sales made in pursuance of the next preceding clause, and under the authority thereof, the purchaser shall, immediately after the property shall be knocked off to him, pay into the hands of the sheriff making the sale a sum which shall be at least equal to ten per cent. upon the amount of his purchase, towards the payment thereof; and if he should fail or neglect to make such payment, the sheriff shall immediately set up the same property for public sale; and shall not, upon such re-sale, or any other sale of the same property made by virtue of this Act, receive the bid of the first purchaser or his agent. And the sheriff shall, in all his advertisements of the property sold by virtue of this Act, on account of the paper medium loan, give notice that he will require the payment of the said ten per cent.; to the end that no person inclined to purchase at the said sales may be ignorant thereof.

Forfeiture on not complying with the terms of such sales.

XIV. *And be it enacted* by the authority aforesaid, That if any person, after paying the ten per cent. as aforesaid, shall fail or neglect to comply with the terms of sale, all money so paid shall be forfeited to the State; and shall be first applied to the payment of the costs and charges accruing on the said sale, and the surplus, if any there be, shall be paid into the treasury of this State, in aid of the revenue thereof.

Terms of sale when lands are re-sold.

XV. *And be it enacted* by the authority aforesaid, That if any person shall, at any re-sale made by the sheriff on account of the first or any former purchaser having failed or neglected to pay the percentage aforesaid, or to comply with the terms and conditions of the sale, such purchaser shall be bound by his purchase, and shall comply with this Act, and the terms and conditions of such re-sale, and shall not be allowed to say or pretend that he bought the same as agent for the first or any former purchaser. Provided, that it shall be publicly proclaimed by the crier, at such sale, that the same was to be on account and risque of the first or some former purchaser; and that the conditions and terms of the sale shall, in like manner, be proclaimed by him immediately before the property is set up.

Defaulters liable for any deficiency by such sales.

XVI. *And be it enacted* by the authority aforesaid, That in case of any re-sale made under the authority of the preceding clauses of this Act, on account or by reason of the non-payment of the ten per cent. hereby required to be paid, or on account of the non-compliance with the conditions and terms herein before prescribed, the person or persons for whose default the said re-sale shall be made, shall be, and he, she and they is and are hereby declared, liable for any deficiency which may happen between the first and any subsequent sale of the said property; and the treasurers are hereby authorized and directed to commence suits for the recovery of any such deficiency.

Poor tax.

XVII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the tax collectors of this State to make, on the first Monday in August next, to the commissioners of the poor, in the parish or district in which any poor tax shall be by the said tax collectors respectively collected, a return of such poor tax, in like manner as they make returns of the public tax to the treasurers of this State. And it shall also be the duty of the said tax collectors to make a duplicate return to the comptroller general of the amount of the tax so collected and paid to the commissioners.

XVIII. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed annually to call on the treasurer of the City Council of Charleston to render an account on oath of the application of such monies as are appropriated for the transient poor, and for other purposes; and that the account so rendered be laid before the Legislature.

A. D. 1812.

Transient
poor fund of
Charleston.

XIX. *And be it enacted* by the authority aforesaid, That the several tax collectors in each fiscal division of the State shall exhibit, in some column of his return, the number of acres of land lying within their respective divisions, and the number of acres lying elsewhere, and for which taxes shall be paid them; in like manner they shall exhibit in other columns the number of negroes in their respective divisions, and of those elsewhere, and where, on which taxes shall be paid them; and in other separate columns exhibit the amount of taxes in their respective divisions, on every different article taxed by law; and the treasurer of each division, and the comptroller general, shall preserve these columns in their aggregate of taxes to be laid before the next meeting of the Legislature.

Tax collectors
to return prop-
erty lying in
other divisions,
for which taxes
are paid them.

XX. *And be it enacted* by the authority aforesaid, That the tax collectors of the parishes of St. Philip's and St. Michael's, shall, on the first Monday in the months of April, May and June, in each and every year, make the following return to the treasurer of the lower division, "I, A B, do solemnly swear (or affirm, as the case may be,) that the sum of ——— dollars, by me now paid, is all the money which I have received on account of the general tax, since my last return." And on the first Monday in July, in each and every year, the said tax collectors for the parishes of St. Philip's and St. Michael's, and each and every tax collector in the upper and lower division of the treasury of this State, shall complete and finally close their several and respective returns, by paying the full balance which may have been received by him or them, producing to the treasurers of the upper and lower divisions of the treasury of this State, respectively, the sheriffs's receipts for all executions lodged by them against defaulters; and if the sheriffs's receipts, so produced, shall not satisfactorily account for the full balance due on the said return, then, and in such case, the treasurers in each division respectively shall be, and they are hereby, directed to enforce the means pointed out by the Act entitled "An Act declaring the duties and powers of the enquirers and assessors of the taxes, and other persons concerned therein," passed in the year of our Lord one thousand seven hundred and eighty-eight. And the said several tax collectors, upon closing their said returns, shall respectively take the following oath or affirmation, to wit: "I, A. B., do solemnly swear (or affirm) that the return which I now make is a just and true return of all the taxable property made for the collection district of ———, and that the sum of ——— dollars, by me now paid, is the whole of the monies I have received for the general taxes of the said district, since my last return;" which oath or affirmation the treasurer shall impose, and cause to be endorsed on the said return.

Return to be
made by tax
collectors.

Oath to be
taken by the
collectors.

XXI. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed annually to call on the several boards of commissioners of public buildings, and boards of commissioners for clearing, opening and rendering navigable the several rivers and creeks of this State, to render an account to him, on oath, of the application of such monies as are appropriated for the erection or repairing of public buildings, or clearing, opening and rendering navigable the several rivers and creeks of this State; and the accounts so rendered shall be laid before the legislature.

Commissioners
of public build-
ings and in-
land navigation
to account to
the Comptrol-
ler.

A. D. 1812.

Commissioners
of the poor and
of the roads to
account to the
clerks of
courts.

XXII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the commissioners of the poor, and the commissioners of the roads, in the several districts and parishes within this State, by their secretary or treasurer, to render on oath to the clerks of the circuit courts in their respective districts, on or before the first Monday in September in every year, a correct account of all monies received by them, and the manner in which the same have been applied; and it shall be the duty of the clerks of the said courts respectively to transmit certified copies thereof to the comptroller-general, to be by him laid before the Legislature. And in case the commissioners shall fail to make their returns as required aforesaid, they shall respectively, as a board, forfeit and pay the sum of one hundred dollars; and the clerks of the respective courts shall, on failure of making the aforesaid returns, also forfeit and pay the sum of one hundred dollars; the aforesaid penalties to be recovered, in any court of law having competent jurisdiction, by action of debt. And it shall be the duty of the attorney-general and solicitors, in their respective circuits, to enquire of the clerks of the respective district courts whether the aforesaid commissioners of the poor, and commissioners of the roads, have made their returns to the clerks as aforesaid; and enquire of the comptroller-general whether the clerks of the respective courts have made their returns as above required; and in case the commissioners and clerks aforesaid have not made their returns as above directed, then the attorney-general or solicitors, as the case may be, is hereby directed and required to sue for, and recover on behalf of the State, the penalty inflicted by this Act.

Names of
defaulters to be
published.

XXIII. *And be it enacted* by the authority aforesaid, That the comptroller-general shall publish in the Carolina Gazette a list of such commissioners and clerks who have neglected to make their returns as above required, for the last year; and if the said commissioners and clerks do not make their returns on or before the first day of September next, it shall be the duty of the attorney-general or solicitors, as the case may be, to sue for and recover the penalties to which they are hereinbefore made liable; excepting the commissioners of St. Philip's and St. Michael's parishes, who shall account to the City Council of Charleston as heretofore.

Tax collectors
to make pay-
ment to the
commissioners
of the poor.

XXIV. *And be it enacted* by the authority aforesaid, That each and every tax collector shall pay to the commissioners of the poor, or their treasurer, on the first Monday in August in every year, all the monies which have or may be collected by them for the use of the poor, except when such monies have been otherwise appropriated by law, under the penalty of the forfeiture of ten dollars for every day they may fail in so doing; to be recovered in any court of law having competent jurisdiction, to go to the use of the poor of the said district or parish wherein such default shall be made.

Names of all
persons who
pay tax to be
transmitted to
the clerks of
courts.

XXV. *And be it enacted* by the authority aforesaid, That it shall be, and is hereby declared to be, the duty of the comptroller general, as speedily as the same can be done, to make out, from the returns of the tax collectors, and transmit to the clerks of the several courts in the several districts of this State, the names of all persons who shall have made returns for the year 1811, together with the tax paid by the said persons, to the end that the persons paying such tax may have an opportunity of comparing their receipts with the same. And it shall be the duty of the clerks of the said courts, on application of any person for inspection of the said statement so transmitted to them by the comptroller general, to produce the same; and in case there shall appear a difference between the comptroller's report and the receipt of tax paid by such person, the clerk thereupon shall report the same to the legislature; and in case any clerk shall neglect or

refuse, without reasonable excuse, to exhibit the same, when demanded in office hours, he shall be subject to a penalty of ten dollars, to be recovered in any court having competent jurisdiction; one half to the informer, the other half to the treasury of this State. And the comptroller general, for this service thus required of him, shall receive the sum of two hundred dollars.

A. D. 1812.

XXVI. *And be it enacted* by the authority aforesaid, That it shall be the duty of every tax collector to specify in words, at full length, the sum paid by every person for his general tax, distinguishing what every person may pay for poor, or bridge tax, in the receipt to be given by him to the person who may pay a tax to him.

Amount of tax paid to be specified in words.

XXVII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the attorney-general, and each of the solicitors of the different circuits, to certify to the comptroller-general, on or before the first Monday in October in every year, the fines and forfeitures which have been had or inflicted by the courts upon his circuit, within the year next preceding the day aforesaid; and that it shall be the duty of the clerks of the several circuit districts, to return to the comptroller-general, on or before the same day in every year, an account, upon oath, of all the fines and forfeitures inflicted, had, or received within his district court, of the manner how appropriated or remitted, and to pay over to the treasurer of the State the balance on hand on that day; that in case of the failure of any clerk to render such account, he shall forfeit and pay the sum of two hundred dollars, to be recovered in any court having jurisdiction; and it shall be the duty of the comptroller general to direct the attorney-general or solicitors, as the case may be, to sue for and recover the aforesaid sum, of such clerk as shall fail to render such account.

Attorney-general and solicitors to account to the comptroller.

XXVIII. *And be it enacted* by the authority aforesaid, That should the said attorney-general or solicitors not perform the duty required by the aforesaid clause, they shall be subject to the penalty of one hundred dollars, to be recovered in any court having jurisdiction.

Penalty for not performing said duty.

XXIX. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act the clerk of every circuit court in this State shall be authorized, and is hereby required, to draw an order on and send an express to the treasurer at Columbia or Charleston, which ever place may be nearest to the court house of the said district, for so many copies of the Acts of the Legislature as the said district may be entitled to by law; and the said clerk shall deliver, upon application, to each person in said district who may be entitled to the same, one copy of said Acts; the person who carries the said express shall receive three dollars for every forty miles he shall travel in going and returning in the said service.

The Acts of Assembly to be sent for by the clerks of courts.

XXX. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the printer of the State to have the said Acts printed on or before the fifteenth of February, in every year hereafter, and the clerk of every district court shall draw the aforesaid order on the treasurer as aforesaid, and have the said Acts in his possession for distribution on or before the tenth of March in each and every year hereafter.

Acts to be printed by the 15th of February.

In the Senate House, the nineteenth of December, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

A. D. 1812.

No. 2023. *AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWELVE.*

Appropriations I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of the public officers, and other expenses and purposes of government.

For the salary of the Governor, two thousand five hundred and seventy-two dollars.

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of the six Judges of the courts of common pleas, each two thousand five hundred and seventy-two dollars; in the whole, fifteen thousand four hundred and thirty-two dollars.

For the salaries of five Judges of the Courts of Equity, twelve thousand dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full recompense for the discharge of all public duties incident to the office of Attorney General, seven hundred dollars.

For the salaries of four Circuit Solicitors, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, each five hundred dollars; in the whole two thousand dollars.

For the salary of the Comptroller-general, clerks and stationary included, as a full compensation for his services, three thousand dollars.

For the salary of the Treasurer in Charleston, and for transacting the business of the loan office, and clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, sixteen hundred dollars.

For Lyon Levi, while he continues clerk in the treasury office, in addition to his salary as clerk, four hundred dollars.

For the salaries of the Clerks of the Senate and House of Representatives, each nine hundred dollars; in the whole, one thousand eight hundred dollars.

As a compensation to the Clerk of the Court at Columbia, for his services in attending the Constitutional Court, one hundred and forty dollars.

As a compensation to the Commissioner in Equity, for his attendance in the Court of Appeals in the court in Columbia, one hundred dollars.

As a compensation to the Clerk of the Court of Charleston, one hundred and forty dollars.

As a compensation to the Sheriff of Richland district, for attending the Constitutional Court and the Court of Equity at Columbia, one hundred dollars.

As a compensation to the Sheriff of Charleston for attending the Constitutional Court and Court of Appeals at Charleston, one hundred and fifty dollars.

As a compensation to the keeper of the State House at Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, fifteen hundred dollars.

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For the salaries of nine Brigade Inspectors, each two hundred and sixteen dollars; in the whole, one thousand nine hundred and forty-four dollars.

For the salary of the Port Physician of Charleston, for boat hire and all other expenses incident to his office, one thousand dollars.

As a compensation for the Arsenal keeper and powder receiver in Charleston, five hundred dollars.

As a compensation to the Arsenal keeper and powder receivers at Camden and Abbeville, fifty dollars each—in the whole, one hundred dollars; and for the arsenal keeper and powder receivers for Georgetown and Beaufort, one hundred and fifty dollars each—in the whole three hundred dollars.

For the contracts with the State Printers, a sum not exceeding fifteen hundred dollars.

As a compensation for the Pilot of the bar and harbour of Georgetown, three hundred and twenty-two dollars.

As a compensation for the Pilot of the bar and harbor of Beaufort, three hundred and twenty-two dollars.

For Annuities, seven thousand dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary of the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

As a contingent fund subject to the Governor's draft, for the expenditure of which he shall submit an annual account, six thousand dollars.

For the expenses of the Members of the Legislature at the present session of the Legislature, and pay of the Solicitors for their attendance, twenty-one thousand five hundred dollars; if so much be necessary.

As a compensation to the two Doorkeepers of the Legislature, one hundred and sixty dollars each; in the whole, three hundred and twenty dollars.

As a compensation to two Messengers, one hundred and sixty dollars each—in the whole, three hundred and twenty dollars; to be paid at the adjournment of the legislature.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

For aid in supporting the transient poor in Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller, and by him submitted to the legislature.

For the discharge of the contingent expenses of the upper division of the State, a sum not exceeding six thousand dollars.

For the discharge of the contingent expenses of the lower division, six thousand dollars.

For the salaries of two tutors in the South Carolina College, each six hundred dollars—in the whole, twelve hundred dollars.

For the salary of a Professor of Chemistry in the South Carolina College, sixteen hundred dollars.

II. *And be it further enacted* by the authority aforesaid, That the sum of six hundred dollars be, and the same is, appropriated to the professor of logic and moral philosophy; and that the sum of six hundred dollars be, and is hereby, appropriated to the professor of languages, in addition to what each of the said professors are already allowed out of the funds annually appropriated to the South Carolina College.

VOI. V.—87.

A.D. 1812.

For the pay of the magazine guard, to consist of an officer, sergeant, and six men; to be paid by and under the direction of the comptroller-general, two thousand two hundred dollars.

Paper medium
to be burnt.

III. *And be it enacted* by the authority aforesaid, That the treasurer at Charleston, under the direction of the comptroller-general in his presence and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, and any three of the Judges of the Courts of Law or Equity in this State, or in the presence of a majority of the persons above mentioned, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State, now in the treasury, or that may be received previous to the next sitting of the Legislature, to be burnt: Provided, that the sum so burnt shall not exceed two thousand and sixty-one dollars; and the said treasurer is hereby required to report to the Legislature the amount of medium which may be burnt pursuant to this Act.

Treasurer to
give two re-
ceipts.

IV. *And be it enacted* by the authority aforesaid, That the treasurer, on receiving any money from the tax collectors, or any other person, shall give him or her two receipts for the same; and in case any treasurer shall neglect to furnish any person with two receipts as aforesaid, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars; to be recovered in any court having jurisdiction thereof; and the comptroller general, upon information made to him, shall take the necessary measures to cause the same to be recovered.

Money appro-
priated to build
barracks.

V. *And be it enacted* by the authority aforesaid, That the sum of seven hundred dollars be paid to the commissioners appointed by the citizens of Charleston to superintend the erection of barracks at Haddril's point, in Christ Church parish, for the purpose of enabling them to complete the said barracks; and that a further sum of five hundred dollars be, and the same is hereby, appropriated for the purchase of the land upon which the said barracks are erected, to be paid to Nicholas Vining, his executors or administrators, upon his, her or their conveying the fee simple of the said land to the treasurer of the lower division for the State of South Carolina.

Commissioners
to account to
the legislature.

VI. *And be it enacted* by the authority aforesaid, That the commissioners for superintending the building and completing the said barracks, shall be, and they are hereby, required, at the next session of the legislature, to account for the said sum of seven hundred dollars hereby granted for that purpose.

For Daniel Cook, due him for balance of principal and interest, eighteen dollars ninety-three and three fourths cents.

Funds allotted
for the Bank of
the State of S.
Carolina.

VII. *And be it enacted* by the authority aforesaid, That the treasurer of the lower division of this State be, and he is hereby, authorized and directed, on the application of the president and directors of the Bank of the State of South Carolina, to deliver over to them, or to any person duly authorized by them, all the certificates of stock of the United States in the treasury, together with all bonds, notes and other securities due the State, and also the shares of the State and Planters and Mechanics Banks; and he is hereby further directed, when applied to for that purpose, to draw from the State Bank, under the warrant of the comptroller general, all the public money therein deposited, and, from time to time, and at all times hereafter, to deposit all monies received by him, on account of the State, in the said bank.

VIII. Whereas, the public gaol of Kershaw district has been lately consumed by fire, and the corporation and inhabitants of the town of Camden have proposed to exchange a suitable and convenient lot, whereon to

erect a new gaol, for the lot whereon the said gaol lately stood; *Be it therefore enacted* by the authority aforesaid, That William Nixon, Francis Lee, Thomas Whitaker, Reuben Stark, and Samuel James, be, and they are hereby, fully authorized and empowered to negotiate with the corporation of the said town of Camden, an exchange of the lot in the said town whereon the said gaol lately stood, for such other lot or lots in the said town as to them may appear suitable and convenient to erect a new gaol upon: Provided, however, that if the said lot or lots, so to be exchanged for, shall not be equal in value to the lot whereon the said gaol lately stood, the said commissioners may accept of the said corporation, to the use of the State, such a sum of money as may be equal to the difference in their value; and the said commissioners are hereby authorized to make and execute all necessary deeds and conveyances to the said corporation for the said lot whereon the said gaol lately stood, and to accept the necessary deeds and conveyances from the said corporation, for the said lots so to be exchanged for; all which deeds shall be executed under the direction and inspection of the solicitor of the northern circuit.

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Lots to be
exchanged in
Camden.

IX. *And be it enacted* by the authority aforesaid, That the sum of five thousand dollars be, and the same is hereby, appropriated for building a new gaol in the said town of Camden; and the commissioners aforesaid shall be, and they are hereby, authorized and empowered to contract for the building of a gaol in the town of Camden, and to receive the appropriations made for building the same.

Appropriation
for building a
gaol in Cam-
den.

For Andrew Muldrew, one hundred and twenty-two dollars and forty-four cents, as a compensation for a negro executed.

For Ann Bay, one hundred and twenty-two dollars and forty-four cents, as a compensation for a negro executed.

For George Roberts, one hundred and twenty-two dollars and forty-four cents, as a compensation for a negro executed.

For Harry Grant, seventy-seven dollars, thirty-five cents, and interest thereon, for a certificate lost. The above sum to be paid him upon his giving bond, with two good securities, to indemnify the State against any future claim on account of said certificate.

For George Roberts, one hundred and twenty-two dollars and forty-four cents, as a compensation for a negro executed.

For Sergeant Ervin, seventy-five dollars, as a compensation for a horse lost last summer in public service.

For Samuel Rector, nine dollars fifty cents, as a compensation for a balance due him on an indent, No. five hundred and sixty-nine.

For Joseph Kerr, one hundred and fifty dollars, as a compensation for property lost in the late war.

For Richard Howard, one hundred and twenty-two dollars and forty-four cents, as a compensation for a negro executed.

For Sophia Jolly, one hundred and twenty-two dollars, forty-four cents, as a compensation for a negro executed.

For Stephen Keith, one hundred and twenty-two dollars and forty-four cents, as a compensation for a negro executed.

The sum of two hundred and fifteen dollars, thirty cents, as a compensation to sundry constables and guards, guarding the gaol of Chesterfield.

For John T. Lewis, fifty dollars, seventy-four cents, as a compensation for sundry repairs to the court house of Pendleton.

For George McBeth, one hundred and eight dollars, as a compensation for his services during the late war.

For James Davis, thirty-eight dollars, ninety-six cents, with interest thereon, for a certificate mislaid, the above sum to be paid him when he produces the said certificate.

A. D. 1812.

For Alexander McKee, one hundred and twenty-four dollars, sixty cents, and interest thereon, as a compensation for money expended by him in defending his titles to a tract of land which he bought of the State.

For E. Liles, one hundred and twenty-nine dollars and ten cents, with interest thereon, as a compensation for an indent granted to Isaac Robinson; the above sum and interest thereon to be paid to him when he proves to the Comptroller-general that he is the person legally authorized to receive the same.

For Isaac Bush, six dollars; and also, for Richard Bush, six dollars, as a compensation for attending as witnesses at Barnwell court.

For William Hutchenson, late a Captain in General Sumter's Brigade, four hundred and sixty-three dollars, fifty cents; as a compensation for a judgment obtained against him in Mecklenburg County, in North Carolina, by Elias Myers, whom he had enlisted as a private soldier, to serve ten months, for a negro, in the said Brigade during the late war.

For John Brannon, seven hundred and fifty dollars, as a compensation for extra work done and losses sustained by him by his contract to build the court house at Abbeville.

For George Robinson, executor of Wm. Robinson, two hundred and ninety-nine dollars, sixty-seven cents, as a compensation for money expended in defending a suit commenced against him by the treasurer of the lower division.

To Asa Delozaa, attorney for Asa Cole, John Evans, Joseph Ashhard, Joseph English, Isaac Clarke, George Patterson, John Liet, John Spencer, John Ervin, Samuel Bullfinch, Roland Sandiford and Catharine Bantlion, fifteen hundred dollars, or so much thereof as will pay the interest of six per cent. on the sums appearing to have been due them on the portage bill book of the frigate South Carolina, to be ascertained and settled by the Comptroller-general.

For repairing the court house and gaol of Fairfield district, three hundred dollars, if so much be necessary; and that Andrew Crawford, Abner Ross, Michael Moore and William Adger be appointed commissioners to superintend said repairs.

For repairing the court house and gaol of Pendleton district, one thousand dollars; and that William Robertson, William Hunter and James C. Griffins be appointed commissioners to superintend said repairs.

For repairing the gaol of Charleston district, three thousand dollars; and that Nathaniel G. Cleary, Edmund M. Phelon, Bartholemew Carol and John S. Cogdell be appointed commissioners to superintend said repairs.

Forts to be
furnished with
ordnance.

X. *And be it further enacted* by the authority aforesaid, That the Governor be authorized to furnish each fort or battery already erected, or which may be hereafter erected on any part of the coast, with two or more pieces of ordnance, of such calibre as in his opinion is best calculated to promote the end contemplated: Provided, the said forts or batteries be so situated as will enable them to aid in the defence of the maritime frontier.

Appropriation
for the militia.

XI. *And be it enacted* by the authority aforesaid, That the sum of forty thousand dollars be, and the same is hereby, appropriated for the pay, rations and support of such of the militia of this State as the Governor and Commander-in-chief shall think proper to call out for the defence of the State, pursuant to the laws in that case made and provided, if so much be necessary.

Sufferers by
fire in Camden.

XII. *And be it enacted* by the authority aforesaid, That the sum of two thousand dollars be, and is hereby, appropriated for the relief of the sufferers by fire in Camden.

XIII. *And be it also enacted* by the authority aforesaid, That the comptroller be directed to pay to Benjamin Tyler whatever sum may be due to him for arrears of pension.

A.D. 1812.

XIV. *And be it enacted* by the authority aforesaid, That ten thousand dollars be appropriated for the purpose of establishing a cotton manufactory to be erected in Greenville district, to be paid to Messrs. Caruth and Thompson; which said sum often thousand dollars, with interest of seven per cent. per annum, shall be repaid, one half at the expiration of two, and the remainder at the expiration of three years, they giving landed security to ten times the value of the said loan, with a power in the mortgage to sell the estate mortgaged at the end of the said term without any necessity of judgment on their bouds; all which deeds shall be under the inspection and direction of the comptroller-general.

Loan to establish a cotton manufactory in Greenville.

XV. *And be it enacted* by the authority aforesaid, That the comptroller-general is hereby directed and required to return the money to Francis Bre-mar, one of the securities of Daniel Doyley, which was made at sheriff's sale under an execution in favor of the State against the said Daniel Doyley and Francis Bre-mar his security, and has been paid into the treasury of this State; and to stay all proceedings against the said Francis Bre-mar, and the other securities of the said Daniel Doyley, late treasurer of this State: Provided, that in the opinion of the attorney-general of this State the said indulgence shall not destroy the lien of the judgment, and of the execution or executions issued against the property of the said Francis Bre-mar and the other securities of the said Daniel Doyley.

Money to be returned to F. Bre-mar.

XVI. *And be it enacted* by the authority aforesaid, That the comptroller-general be, and is hereby, directed not to proceed to collect a certain debt due by the representatives of Stephen Baldy, deceased, to the State, nor a certain debt due by Elias Gabriel Jaudon to the State, nor a certain debt due by William H. Wigg, executor of William H. Wigg, deceased, but that indulgence be given to them for the payment thereof until the first day of January one thousand eight hundred and fourteen: Provided, that the representatives of the said Stephen Baldy and Elias Gabriel Jaudon and the said William H. Wigg, shall give further security, if the comptroller-general shall think it necessary.

Proceedings to be stayed in certain cases.

XVII. *Be it also enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized and required to pay to the legal representatives of the late Mrs. Christiana Hoff, when designated as such by any court of competent jurisdiction, any sum not exceeding two thousand one hundred and forty-two dollars and eighty-five cents, that may remain in the treasury, being a balance in favor of the confiscated estate of the late Fenwick Bull, deceased, as a legacy left by him to the late Christiana Hoff aforesaid.

Appropriation to the representatives of C. Hoff.

As compensation to the representatives of the late John Watson, for land taken and injury done in continuing Meeting-street road through his land, in the year one thousand seven hundred and eighty-six, nine hundred and sixty-three dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Sovereignty and Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

A. D. 1813.

No. 2024. AN ACT to amend "An Act for regulating the Courts held by the Associate Judges of this State, at the conclusion of their respective Circuits, and of the Courts of Appeal held by the Judges of the Courts of Equity within this State," passed the twenty-first day of December, in the year of our Lord one thousand eight hundred and eleven, by changing the day for holding the Courts; and for legalizing the Jury drawn for the next ensuing session of the Court in Colleton District.

(Passed September 24, 1813. *See last volume.*)

No. 2025. AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTEEN; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Appropriations I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sums hereafter mentioned be respectively appropriated for the following purposes:

For the expenses of the members of the Legislature at the present session, and pay of the Solicitors for their attendance, six thousand dollars—if so much be necessary.

For the Secretary of State, as a compensation for his travelling expenses and attendance during the present session, three dollars per diem.

For the Clerk of each house, for their attendance during the present session, each two hundred and fifty dollars—in the whole, five hundred dollars.

For the Doorkeepers and Messengers, each sixty dollars—in the whole two hundred and forty dollars.

For the State printers, in addition to the amount of the contract for printing during the present year, three hundred dollars.

For house rent for the Governor, one hundred dollars.

For the purchase of arms, munitions of war, and other military purposes, fifteen thousand dollars, if so much be necessary.

For the travelling expenses and attendance of the Comptroller-general, at the present session, the same pay as is allowed by law to a member of the legislature.

For payment of the balance due by the State on a settlement of the accounts of John S. Crips, late foreign agent, and commissary-general of purchases, five hundred and ninety-seven dollars fifty-six cents, pursuant to a resolution of both houses adopted last session.

As a testimony of respect for the distinguished services of Lieutenant John Templar Shubrick, in three naval battles, in which the American arms obtained a signal triumph, five hundred dollars for the purchase of a sword.

Magazine
guard.

II. *Be it further enacted* by the authority aforesaid, That the magazine guard shall consist of an officer, two sergeants and twenty-four men; and the sum of eight thousand dollars shall be appropriated for their support and pay, if so much be necessary.

For additional pay to the non-commissioned officers, musicians and privates of the fifth brigade, who have recently been in the service of the State, in order to make their pay equal to that of the troops of the United States, eight hundred dollars, if so much be necessary.

A.D. 1813.

In the Senate House, the twenty-fourth day of September, in the year of our Lord one thousand eight hundred and thirteen, and in the thirty-eighth year of the Independence of the United States of America

JAMES B. RICHARDSON, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT to alter and amend the Militia Laws of this State.

No. 2026.

(Passed September 24, 1813. *See last volume.*)

AN ACT to explain and amend an Act entitled "An to establish a Bank, on behalf of and for the benefit of the State." No. 2027.

(Passed December 18, 1813. *See last volume.*)

AN ACT TO AUTHORIZE THE HON. THEODORE GAILLARD, ONE OF THE JUDGES OF THE COURT OF EQUITY OF THE STATE, TO LEAVE THE SAME FOR THE TIME HEREIN MENTIONED. No. 2028.

WHEREAS, the Honorable Theodore Gaillard, Esq. has petitioned the Legislature for permission to leave the same for nine months; and whereas, it is uncertain when the said Theodore Gaillard may depart therefrom:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Theodore Gaillard be, and he is hereby, authorized to leave the State for the term of nine months, to be calculated from the time of his departure.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirteen, and in the thirty-eighth year of the Sovereignty and Independence of the United States of America.

SAVAGE SMITH, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

A. D. 1813.

No. 2029. AN ACT for appointing an additional Commissioner or Master in Equity for the Court of Equity in Charleston; and for other purposes therein mentioned.

(Passed December 17, 1813. *See last volume.*)

No. 2030. AN ACT TO ALLOW THE UNITED STATES TO EXERCISE JURISDICTION FOR CERTAIN PURPOSES OVER THE LAND ON WHICH FORT MECHANIC IS ERECTED, IN THE CITY OF CHARLESTON.

WHEREAS, Christopher Williman and William Holmes are desirous of conveying to the United States, in fee simple, all their right, title and interest in certain lots or tracts of land in Charleston, whereon Fort Mechanic is erected, upon such terms and conditions as may be agreed upon between the parties to the same :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so soon as the said lots or tracts of land whereon Fort Mechanic is erected, and such other lots and parcels of land as may be considered necessary to that establishment, shall have been conveyed by the said Christopher Williman and William Holmes to the United States, complete and ample jurisdiction, in and over the same, for all purposes necessary to the maintenance of a military post, is hereby declared to be ceded to the United States. Provided, however, that nothing in this cession shall be construed to prevent any process, civil or criminal, issuing from any of the courts of this State or any other competent authority, from being served or executed within the limits of the said lots or tracts of land so to be conveyed by the said Christopher Williman and William Holmes to the United States; and provided, also, that nothing contained in this Act shall be so construed as to impair the rights and privileges vested in the City Council of Charleston, under their charter of incorporation, who are hereby also authorized and empowered to relinquish their right of jurisdiction in and over the land aforesaid.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirteen, and in the thirty-eighth year of the Independence of the United States of America.

SAVAGE SMITH, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 2031. AN ACT to incorporate the several Societies therein mentioned; and for other purposes.

(Passed December 18, 1813. *See last volume.*)

A. D. 1813.

AN ACT for ratifying and confirming a provisional agreement entered into between the State of South Carolina and the State of North Carolina, concluded at M'Kinney's, on Toxoway River, on the fourth day of September, in the year of our Lord one thousand eight hundred and thirteen.

(Passed December 17, 1813. See Vol. 1, p. 416.)

AN ACT to alter the times of holding the Courts of Common Pleas and General Sessions in the District of Horry. No. 2032.

(Passed December 17, 1813. See last volume.)

AN ACT ATTACHING TO THE DISTRICT OF LANCASTER THAT PORTION OF TERRITORY INCLUDED WITHIN THE LIMITS OF THIS STATE, BY THE LINE LATELY RUN OUT, FROM THE TERMINATION OF THE LINE OF 1764, AT THE SALISBURY ROAD, TO THE SOUTH-EAST CORNER OF THE CATAWBA LINE AT 12 MILE CREEK; AND FOR OTHER PURPOSES RELATING THERETO. No. 2034.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all those parts or portions of territory which have been heretofore under the jurisdiction and supposed to belong to the State of North Carolina, but are found, on extending and running out the line between the two States, in conformity to the treaty on boundary of the year one thousand eight hundred and eight, to be included within the limits of the State of South Carolina, shall be taken and regarded to all intents and purposes as forming a part of the said district of Lancaster; and the line of final demarkation and boundary, run out and marked by the commissioners of the respective States during the present year, an authenticated plat of which has been deposited in the office of the Secretary of State at Columbia, shall from henceforward form one boundary of the district of Lancaster.

Certain territory to be added to the district of Lancaster.

II. *And be it further enacted* by the authority aforesaid, That each and all of the citizens heretofore residing and continuing to have his or their permanent residence in the territory aforesaid at the time of the passing of this Act, shall be entitled to and possess all the rights, immunities and advantages which the citizens of the present district of Lancaster now do, or hereafter shall enjoy; and be in like manner subject to the payment of taxes, and liable to all militia and all other duties to which the citizens of the said district of Lancaster now are or may hereafter be subjected by or made liable under the laws of this State.

Citizens of said territory, their right.

III. *And be it further enacted* by the authority aforesaid, That there
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Bent compa-
nies to be laid
anew.

shall be a revision of and new demarkation of the lines forming the two beat companies commanded by Captains Massey and Moore ; and that such parts or portion of the said territory as may lie most contiguous, and shall be found most convenient to them, shall be attached to and form a part of one or either of the said company beats, and the inhabitants thereof be liable to all the militia, patrol and other duties to which the inhabitants of the beats they may be respectively attached to now are or hereafter may be subjected by the laws of this State.

Commissioners
appointed to
run the lines.

IV. *And be it further enacted* by the authority aforesaid, That Henry Massey, Jeremiah Carter, William Vaughan, James Miller and Churchhill Anderson, be, and they are hereby appointed, commissioners to revise the lines of and establish the respective beats of the two companies aforesaid ; and they, or a majority of them, are hereby required and directed forthwith to revise the lines of and establish the respective company beats aforesaid : Provided always, that nothing herein contained shall be so construed as to withdraw the company beats now directed to be established from under the operation of the provisions of the militia laws now in force or hereafter to be enacted.

St. Andrew's
Presbyterian
church incor-
porated.

V. Whereas, the Society of Christians who call themselves by the name of the Saint Andrew's Presbyterian Church of the City of Charleston, have petitioned the Legislature of this State, praying to be incorporated, and asserting they have complied with the terms required by the constitution as preparatory thereto, and the allegation in the said petition appearing to be true ; *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the society before mentioned, and the several persons who now are or shall hereafter be members thereof, and their successors, officers and members of it, shall be, and they are hereby declared to be, one body corporate, in deed and in name, by the name of the Saint Andrew's Presbyterian Church of the City of Charleston ; and by the said name shall have a perpetual succession of officers and members, and a common seal, with full power to change, alter, break and make new the same as often as they the said corporation shall judge expedient ; and the said corporation and their successors shall be able and capable in law to purchase, have, hold, receive, enjoy, possess and retain to them and their successors, in perpetuity or for any term of years, any estate or estates, lands, tenements, or hereditaments, of what kind or nature soever ; and to sell, alien, exchange, demise or lease the same, or any part thereof, as they shall think proper ; and by their said name to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this State ; and to make such rules and by-laws, not repugnant and contrary to the laws of the land, for the benefit and advantage of the said corporation, and for the order, rule, good government and management of the same, and for the election of minister, and his maintenance out of any funds belonging to the society, for erecting and repairing of the church by the corporation out of any such funds, and ascertaining the rents which shall be paid by the pew holders, in such manner as shall be from time agreed upon by two-thirds of the members present : Provided always, that not less than three-fourths of the whole members shall be present when a vote is taken to make, alter or amend any of the by-laws, to elect or displace a minister, and to appoint, alter or increase the minister's salary.

Said corpora-
tion may hold
property.

VI. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for the corporation hereby erected, to take and to hold to them and their successors forever, any charitable donations or devise of

lands and personal estates ; and to appropriate the same for the benefit of the corporation in such manner as may be determined by a majority of two-thirds of the members present : provided always, that not less than three-fourths of the whole are present ; and to displace, remove and supply such ministers, officers, servants and other persons to be employed in the affairs of the corporation ; and to appoint such salaries, perquisites or other reward for the labor or service therein, as the corporation shall from time to time approve of and think fit.

A. D. 1813.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirteen, and in the thirty-eighth year of the Independence of the United States of America.

SAVAGE SMITH, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE SHERIFF OF CHESTER DISTRICT, OR HIS SUCCESSOR IN OFFICE, TO EXECUTE TITLES TO JOSEPH ROBINS FOR A CERTAIN TRACT OF LAND THEREIN MENTIONED. No. 2035.

WHEREAS, Elijah Nunn, Esquire, the late sheriff of Chester district, in obedience to a writ of *fiery facias* issued from the court of Common Pleas of Chester district at the instance of James Kennedy against James Bell, did levy on, advertise and regularly sell a tract of land, the property of the said James Bell, lying on Mill Creek, waters of Broad river, in the district of Chester aforesaid, at which sale Joseph Robins became the purchaser, and paid to the said Elijah Nunn, the amount of the purchase ; and whereas, the said Elijah Nunn, by his sudden and unexpected death, was prevented from making and executing the necessary deeds and conveyances to the said Joseph Robins, for the said tract of land, and from making return of the said sale on the said writ *fiery facias* :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Kennedy, Esquire, now being the sheriff of Chester district, or his successor in office, be, and he is hereby, authorized and required to make and execute to the said Joseph Robins, all such titles, deeds or conveyances, as may be necessary to vest the said tract of land in the said Joseph Robins, his heirs and assigns, forever.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirteen, and in the thirty-eighth year of the Sovereignty and Independence of the United States of America.

SAVAGE SMITH, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT appointing commissioners to lay out and make a portage at Lockert's Shoals, on Broad River. No. 2036.

(Passed December 18, 1813. See last volume.)

A. D. 1813.

No. 2037. *AN ACT TO PREVENT THE OBSTRUCTIONS TO THE PASSAGE OF FISH UP REEDY RIVER, FROM ITS MOUTH TO THE TUMBLING SHOALS; AND FOR OTHER PURPOSES THEREIN MENTIONED.*

Preamble.

WHEREAS, certain persons have, for their own emoluments, of late obstructed the passage of fish up Reedy river, by erecting high and impassable dams across the said river; for remedy whereof,

Passage of fish
up Reedy river
provided for.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That any person or persons who now have, or hereafter may erect, any fish dam or fish dams, mill dam or mill dams, hedge or hedges, or other obstruction or obstructions whatsoever, across the said Reedy river, from its mouth to the Tumbling Shoals thereon, shall, on or before the fifteenth day of February next, and from time to time, and at all times thereafter, between the fifteenth day of February and the first day of May, in every year, provide and keep a passage at least ten feet wide, sufficient to let fish freely pass through such fish dams, mill dams, or other obstructions across the said river.

Penalty.

II. *And be it further enacted* by the authority aforesaid, That any person or persons who shall neglect or refuse to provide and keep such passage as aforesaid, in his, her, or their dam or dams, hedge or hedges, or other obstructions as aforesaid, shall, for every twenty-four hours he, she or they so refuse or neglect, respectively forfeit and pay the sum of six dollars; to be recovered before any justice of the peace in the district in which such obstructions may exist, by any person or persons who shall or may sue for the same by action of debt, to be applied to the sole use of such informer.

III. *And be it further enacted*, That all Acts and parts of Acts repugnant hereto be, and the same are hereby, repealed.

Little Lynch's
Creek.

IV. *And be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the owners of all fish dams or other artificial obstructions to the passage of fish up Little Lynch's creek, in the district of Kershaw, shall, and they are hereby required, on or before the twentieth day of February next, to remove and reduce the same at least to one half the width of the said creek, where such dam or other obstruction shall be standing; and if he, she or they shall refuse or neglect so to do, they shall severally forfeit and pay the sum of twenty dollars for every five days he, she or they shall refuse or neglect so to do; to be recovered before any one justice, one half to go to the informer, and the other to the use of the poor of the said district; and if the owners of such dams or other obstructions shall refuse to remove the same, agreeable to the provisions of this Act, any three of the inhabitants of the said district are hereby authorized to remove the same.

V. *And be it enacted* by the authority aforesaid, That if any person or persons shall hereafter presume to build or erect any dam or other obstruction in the said creek, extending to a greater distance than one half the width of the said creek, at low water mark, they shall forfeit and pay a like penalty, to be recovered and disposed of in the manner above provided.

VI. *And be it further enacted* by the authority aforesaid, That Reuben Stark and Chapman Levy, Esquires, be, and they are hereby appointed,

commissioners on the part and behalf of the State, and that Adam Walker and old Captain Barnet be, and they are hereby, appointed on the part and behalf of Catawba company, to ascertain the amount of money expended advantageously in the opening of the Catawba river, the amount expended for other purposes, and the amount given for the purchase of stock by the present stockholders, the amount of money arising from the sale of lands sold by the said Catawba company, and that they do report the same at the next session of the Legislature.

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Commissioners appointed.

VII. *And be it enacted* by the authority aforesaid, That if either or both of the first named commissioners refuse to act, then and in that case the Governor shall appoint persons to act in their place; and if both or either of the last named commissioners shall refuse to act, then and in that case the said company shall appoint persons to act in their place.

Vacancies how to be filled.

VIII. *And be it enacted* by the authority aforesaid, That the said commissioners are hereby directed and required to meet on the first Monday in August next, and they are hereby authorized to choose a fifth person to act with them for the purposes aforesaid.

When to meet.

IX. *And be it enacted*, That the suit now pending, in the court of equity, against the said company, on the complaint of the State, be suspended until the next session of the Legislature; provided, the said company desist from making any further sale of their lands.

Suit suspended

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirteen, and in the thirty-eighth year of the Independence of the United States of America.

SAVAGE SMITH, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE PENDLETON CIRCULATING LIBRARY SOCIETY TO ALTER THE WESTERN BOUNDARY LINE OF THE PUBLIC SQUARE IN THE VILLAGE OF PENDLETON; AND FOR OTHER PURPOSES. No. 2038.

WHEREAS, many of the inhabitants of the village of Pendleton and its vicinity have petitioned the Legislature to authorize the commissioners of the Pendleton Circulating Library Society to alter the western boundary line of the public square in the village of Pendleton, and to sell and convey that portion of ground thrown out of the public square, to the owners of the adjoining lots on that side.

I. *Be it therefore enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Taylor, Joseph Whitner, Andrew Pickens, junior, James C. Griffin, Samuel Cherry, Robert Anderson, John L. North, and Joseph B. Earle, commissioners of the Pendleton Circulating Library Society, be, and they are hereby, authorized and empowered to alter the western boundary line of the public square in the village of Pendleton, by running it as nearly parallel with that on the east side of said square, as may appear to them necessary or convenient; and to sell and convey that portion of ground which may be thus thrown out of the public square, to the owners of the adjoining lots on that side, on the same

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terms that those lots originally sold for ; and that the money received from such sale be added to the fund in the hands of said commissioners, to establish a circulating library in the district of Pendleton.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirteen, and in the thirty-eighth year of the Independence of the United States of America.

SAVAGE SMITH, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 2039. *AN ACT* TO TO ALTER THE NAME OF MARTHA CAMPBELL TO THAT OF MARTHA SMITH ; AND TO CHANGE THE NAME OF WILLIAM WASHINGTON BRAY ELLIS TO THAT OF WILLIAM WASHINGTON ELLIS ; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Martha Campbell to take the name of Martha Smith.

I. *Be it enacted*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the name of Martha Campbell be changed and altered to that of Martha Smith ; and that from and after the passing of this Act the said Martha Campbell shall be known and called by the name of Martha Smith.

Wm. Washington Bray Ellis to take the name of Wm. Washington Ellis.

II. And whereas, William Ellis and Martha his wife have petitioned the Legislature to change the name of William Washington Bray Ellis, their son, born before marriage, to that of William Washington Ellis ; and that he may be enabled to take and inherit by devise or descent, in the same manner as if he had been born of the said Martha during her coverture with the said William Ellis ; *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the name of the said William Washington Bray Ellis be, and the same is hereby, changed to that of William Washington Ellis ; and that by the said last mentioned name, and by no other name whatsoever, shall he be hereafter known and distinguished, in deed and in law, and in all legal transactions.

III. *And be it enacted* by the authority aforesaid, That the said William Washington Ellis shall be, and he is hereby, rendered capable and able in law to take, receive and enjoy any goods, chattels, lands, tenements and chattels real, either by devise and descent, as fully, effectually and to the same extent as if he had been born during the coverture of the said William Ellis and Martha his wife ; any law, usage or custom to the contrary thereof, notwithstanding.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirteen, and in the thirty-eighth year of the Independence of the United States of America.

SAVAGE SMITH, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

A. D. 1813.

No. 2040.

AN ACT to establish certain Roads, Bridges and Ferries; and for other purposes therein mentioned.

(Passed December 17, 1813. *See last volume.*)

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT No. 2041.

HUNDRED AND THIRTEEN; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof. Tax to be raised.

II. *And be it enacted* by the authority aforesaid, That forty-five cents ad valorem on every hundred dollars be paid in specie or paper medium on all lands granted within this State, under the regulations hereinafter mentioned. Rate of taxation on lands. Class No. 1 shall contain all tide swamp of the first quality, not generally affected by salts or freshets, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by salts and freshets, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by salts or freshets, which shall be rated at eight dollars and fifty cents per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight dollars and fifty cents per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; all pine barren lands, adjoining or contiguous thereto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality to be rated at thirteen dollars per acre; the second quality at eight dollars and fifty cents per acre; the third quality at four dollars per acre; excepting such as may be clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 3 shall comprehend all high river swamps and low grounds lying above Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the old Indian boundary line on Pedee, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall

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comprehend all lands lying on the Sea islands, (Slann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in Class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the new boundary line on Pedee, and not included in the description or limits of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in classes No. 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford on the Wateree, the first quality of which shall be rated at one dollar and fifty cents per acre; the second quality at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality at sixty cents per acre; and the third quality at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

Rate of taxing slaves, &c.

III. *And be it enacted* by the authority aforesaid, That one hundred and five cents per head shall be levied upon slaves, of all ages and descriptions; and the sum of two dollars per head upon all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved to the collectors to be incapable, from maims or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; and forty-five cents ad valorem on every hundred dollars of the value of all lands and lots and buildings within any city, town, village or borough; and one hundred and five cents per centum on all stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium or specie.

Slaves employed on Indian lands.

Exceptions.

IV. *And be it enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property or estate of any religious society, or the South Carolina Society, or the Winyaw Indigo Society, or the Fellowship Society, or the estate of the late Doctor De la Howe, demised for charitable purposes, or that part of the estate of the late Thomas Wadsworth devised for the establishment of a school, or the Clarendon, or the High Hills of Santee, or the Camden Orphan Societies, or the Columbia Academy, or the lands and funds owned by the Free School of Dorchester, or the public lands held by the corporation of Charleston, or the lands and funds of any society applicable to education or the maintenance of public schools; but no houses owned or erected on such lands by any private individual or individuals shall be exempted from paying taxes thereon, according to their full value, to be rated by the assessor or assessors in the respective collection districts.

Absentees triple taxed.

V. *And be it further enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a

quintuple tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission; or to the property of any person now absent from the United States, unless such person has been absent for one year, or detained by the war, or other imperious circumstances, of which the party returning the property shall make oath.

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VI. *And be it enacted* by the authority aforesaid, That the tax collectors throughout this State shall receive no payment of taxes but in gold and silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance in gold and silver at the bank of South Carolina, the State Bank, Union Bank, Planters and Mechanics Bank, the Bank of the State of South Carolina, or certificates for the payment of the members of the Legislature, or the Solicitors, for their attendance on the Legislature.

What shall be received for taxes.

VII. *And be it enacted* by the authority aforesaid, That each and every enquirer, assessor and collector shall, on their enquiry for the return of taxes of this State for the year one thousand eight hundred and thirteen administer the following oath to all such persons as shall be liable to pay any of the said taxes, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that the account which I now give is a just and true account of the quantity and quality of the lands, and number of slaves, which I was possessed of, interested in, or entitled to, on the first day of October, in the year of our Lord one thousand eight hundred and thirteen, either in my own right or the right of any other person, either as guardian, agent, attorney, trustee, or in any other manner whatsoever, according to the best of my knowledge and belief; and that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever." And upon the principal of every sum or sums of money at interest, the interest of which is actually received, over and above what each person pays for interest, the enquirers, assessors and collectors, and every of them, to whom the same shall be returned, shall assess the sum of fifty cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportionable sum on all other sums of money drawing less or more than seven per cent; to be recovered in like manner, in case of default, as the collectors are authorized by law heretofore to do on their returns of lands and slaves.

Returns of all property to be made on oath.

Tax on money at interest.

VIII. *And be it enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, he, she or they shall be liable to suffer the same forfeitures and pay the same penalties as are inflicted by law in case of their refusing or neglecting to make a return of his, her or their lands or slaves.

Money at interest not returned

IX. *And be it enacted* by the authority aforesaid, That the instalments on the paper medium which shall be due on the first Wednesday in March next, shall not be required to be paid as directed by an Act entitled "An Act for raising supplies for the year one thousand seven hundred and ninety-four," but shall be paid on the first Wednesday in March, which shall be in the year of our Lord one thousand eight hundred and fifteen. Provided, that no person shall be entitled to the benefit of this clause who shall not give additional security to the treasurer in Charleston, in all cases wherein he is not satisfied of the sufficiency of the former security, and in all cases where default has been made in paying what has been

Time of payment of the paper medium.

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heretofore due, or which may be made in paying the interest to grow due on the first day in March next.

Copies of this
Act to be fur-
nished.

X. *And be it enacted* by the authority aforesaid, That the commissioners of the treasury shall be, and they are hereby, required to furnish copies of this Act, and of the Act supplementary to the Act entitled "An Act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and of other persons concerned therein," to each of the collectors appointed by law throughout this State, within one month after the passing of this Act, and their reasonable expenses occasioned thereby shall be reimbursed.

Times for mak-
ing returns
and paying
taxes.

XI. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, all persons liable to pay any taxes hereafter to be imposed by any law of this State, shall, on or before the first day of February in each and every year, give in a just and true return to the collectors of their respective districts, of all slaves, and of the quantity and quality of all lands, and monies at interest, stock in trade, factorage, employments, faculties and professions, as may be required and directed by the said laws, which they may hold or be entitled unto, in his, her or their own right, or in the right of any person or persons whomsoever, either as guardian, trustee, attorney, agent, executor, administrator, or otherwise however; and shall, on or before the first day of May ensuing, pay his, her or their taxes to the collector of that collection district where the party making such return, by himself, his or her family, may reside the greater part of the year. And that the said collectors shall annually pay the same, and settle their accounts with the treasury, on or before the first day of June next ensuing, so far as relates to the collectors of the lower division of the treasury.

Mortgaged
lands bought
in on account
of the State to
be sold.

XII. And whereas, sundry borrowers of the paper medium loan have not paid the interest due on the sums due by them, and sales have been made of the lands mortgaged to secure the said loan, and the treasurers have bought in the said lands for want of bidders, and they still remain the property of the State, and unproductive; and in other cases the property so sold has been purchased in by the mortgagors and others, who have not complied with the terms and conditions of the sales; *Be it therefore enacted* by the authority aforesaid, That the treasurers of the State shall be, and they are hereby, respectively authorized and directed to cause all lands purchased by the mortgagors, and all lands bought in as aforesaid on account of the State, and all lands purchased by other persons who have not complied with the conditions of former sales of the said property, to be put up to sale, in the different districts in which they lie, by the sheriff of the said district, on a public sale day, after giving three months notice thereof, and shall sell the same to the highest bidder, who shall pay one fourth part of the purchase money in cash, and the remaining three fourths in one and two years; for the performance of which he shall give his bond and a mortgage of the premises, and also personal security, to be approved of by the sheriff and three commissioners, residing in such district, to be nominated by the treasurer. Provided, no sale of mortgaged land shall take place where any person interested in the same shall, previous to the day of sale, tender one third part of the sum due, together with the expenses incurred.

Terms of such
sales.

XIII. *And be it enacted* by the authority aforesaid, That all sales made in pursuance of the next preceding clause, and under the authority thereof, the purchaser shall, immediately after the property shall be knocked off to him, pay into the hands of the sheriff a sum which shall be at least equal to ten per cent. upon the amount of his purchase, towards the payment thereof; and if he should fail or neglect to make

such payment, the sheriff shall immediately set up the same property for public sale; and shall not, upon such re-sale, or any other sale of the same property made by virtue of this Act, receive the bid of the first purchaser or his agent. And the sheriff shall, in all his advertisements of the property sold by virtue of this Act, on account of the paper medium loan, give notice that he will require payment of the said ten per cent.; to the end that no person inclined to purchase at the said sales may be ignorant thereof.

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XIV. *And be it enacted* by the authority aforesaid, That if any person, after paying ten per cent. as aforesaid, shall fail or neglect to comply with the terms of sale, all money so paid shall be forfeited to the State; and shall first be applied to the payment of the costs and charges accruing on the said sale, and the surplus, if any there shall be, shall be paid into the treasury of this State, in aid of the revenue thereof.

Forfeiture on not complying with the terms of such sales.

XV. *And be it enacted* by the authority aforesaid. That if any person shall, at any re-sale made by the sheriff on account of the first or any former purchaser having failed or neglected to pay the percentage aforesaid, or to comply with the terms and conditions of the sale, such purchaser shall be bound by his purchase, and comply with this Act, and the terms and conditions of such re-sale, and shall not be allowed to say or pretend that he bought the same as agent for the first or any former purchaser. Provided, that it shall be publicly proclaimed by the crier, at such sale, that the same was to be on account and risque of the first or some former purchaser; and that the conditions and terms shall, in like manner, be proclaimed by him immediately before the property is set up.

Terms of sale when lands are re-sold.

XVI. *And be it enacted* by the authority aforesaid, That in case of any re-sale made under the authority of the preceding clauses of this Act, on account or by reason of the non-payment of the ten per cent. hereby required to be paid, or on account of the non-compliance with the conditions and terms herein before prescribed, the person or persons for whose default the said re-sale shall be made, shall be, and he, she and they is and are hereby declared to be, liable for any deficiency which may happen between the first and any subsequent sale of the said property; and the treasurers are hereby authorized and directed to commence suits for the recovery of any such deficiency.

Defaulters liable for any deficiency by such sales.

XVII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the tax collectors of this State to make, on the first day of August next, to the commissioners of the poor, in the parish or district in which any poor tax shall be by the said tax collectors respectively collected, a return of such poor tax, in like manner as they make returns of the public tax to the treasurers of this State. And it shall also be the duty of the said tax collectors to make a duplicate return to the comptroller general of the amount of the tax so collected and paid to the commissioners.

Poor tax.

XVIII. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed to call on the treasurer of the City Council of Charleston to render an account on oath of the application of such monies as are appropriated for the transient poor, and for other purposes; and that the account so rendered be laid before the Legislature.

Transient poor fund of Charleston.

XIX. *And be it enacted* by the authority aforesaid, That the several tax collectors in each fiscal division of the State shall exhibit, in some column of his return, the number of acres of land lying within their respective divisions, and the number of acres lying elsewhere, and for which

Tax collectors to return property lying in other divisions, for which taxes are paid them

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taxes shall be paid them; in like manner they shall exhibit in other columns the number of negroes in their respective divisions, and of those elsewhere, whereon taxes shall be paid them; and in other separate columns exhibit the amount of taxes in their respective divisions, on every different article taxed by law; and the treasurer of each division, and the comptroller general, shall preserve these columns in their aggregate of taxes to be laid before the next meeting of the Legislature.

Return to be
made by tax
collectors.

XX. *And be it further enacted* by the authority aforesaid, That the tax collectors for the parishes of St. Philip's and St. Michael's shall, on the first Monday in the months of April, May and June, in each and every year, make the following return to the treasurer of the lower division, "I, A B, do solemnly swear (or affirm, as the case may be,) that the sum of ——— dollars, by me now paid, is all the money which I have received on account of the general tax, since my last return." And on the first Monday in July, in each and every year, the said tax collectors for the parishes of St. Philip's and St. Michael's, and each and every tax collector in the upper and lower division of the treasury of this State, shall complete and finally close their several and respective returns, by paying the full balance which may have been received by him or them, producing to the treasurers of the upper and lower divisions of the treasury of this State, respectively, the sheriffs's receipts for executions lodged by them against defaulters; and if the sheriffs's receipts, so produced, shall not satisfactorily account for the full balance due on said return, then, and in such case, the treasurer in each division respectively shall be, and they are hereby, directed to enforce the means pointed out by the Act entitled "An Act declaring the duties and powers of the enquirers and assessors of the taxes, and other persons concerned therein," passed in the year of our Lord one thousand seven hundred and eighty-eight. And the said several tax collectors, upon closing their said returns, shall respectively take the following oath or affirmation: "I A. B., do solemnly swear (or affirm) that the return which I now make is a just and true return of all the taxable property made for the collection district of ———, and that the sum of ——— dollars, by me now paid, is the whole of the monies I have received for the general taxes of the said district, since my last return;" which oath or affirmation the treasurer shall impose, and cause to be endorsed on the said return.

Oath to be
taken by the
collectors.

Commissioners
of public build-
ings and in-
land navigation
to account to
the Comptrol-
ler.

XXI. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, required and directed annually to call on the several boards of commissioners of public buildings, and boards of commissioners for clearing, opening and rendering navigable the several rivers and creeks in this State, to render to him an account on oath of the application of such monies as are appropriated for the erection of public buildings, or clearing, opening and rendering navigable the several rivers and creeks in this State; and the accounts so rendered shall be laid before the legislature.

Commissioners
of the poor and
of the roads to
account to the
clerks of
courts.

XXII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the commissioners of the poor, and the commissioners of the roads, in the several districts and parishes within this State, by their secretary or treasurer, to render on oath to the clerks of the circuit courts in their respective districts, on or before the first Monday in September in every year, a correct account of all monies by them received, and the manner in which the same have been applied; and it shall be the duty of the clerks of the said courts respectively to transmit certified copies thereof to the comptroller-general, to be by him laid before the Legislature. And in case the commissioners shall fail to make their returns as required aforesaid, they shall respectively, as a board, forfeit and pay the sum of one hundred dollars; and the clerks of the respective courts

shall, on failure of making the aforesaid returns, also forfeit and pay the sum of one hundred dollars; the aforesaid penalties to be recovered, in any court of law having competent jurisdiction, by action of debt. And it shall be the duty of the attorney-general and solicitors, in their respective circuits, to enquire of the clerks of the respective district courts whether the aforesaid commissioners of the poor, and commissioners of the roads, have made their returns to the clerks as aforesaid; and enquire of the comptroller-general whether the clerks of the respective courts have made their returns above required; and in case the commissioners and clerks as aforesaid have not made their returns as above directed, then the attorney-general or solicitors, as the case may be, is hereby directed and required to sue for, and recover in behalf of the State, the penalty which is by this Act declared.

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XXIII. *And be it enacted* by the authority aforesaid, That the comptroller-general shall publish in the Carolina Gazette a list of such commissioners and clerks as have neglected to make their returns as above required, for the last year; and provided that the said commissioners and clerks do not make their returns on or before the first day of September next, it shall be the duty of the attorney-general or solicitors, as the case may be, to sue for and recover the penalty to which they have been heretofore declared liable; except the commissioners of St. Philip's and St. Michael's parishes, who shall account to the City Council of Charleston as heretofore.

Names of defaulters to be published.

XXIV. *And be it further enacted* by the authority aforesaid, That each and every tax collector shall pay to the commissioners of the poor, or their treasurer, on or before the first Monday in August in every year, all the monies which have been or may be collected by them for the use of the poor, except when such monies have been otherwise appropriated by law, under the penalty of the forfeiture of ten dollars for every day they may fail in so doing; to be recovered in any court of law having competent jurisdiction, to go to the use of the poor of the said district or parish wherein said default shall be committed.

Tax collectors to make payment to the commissioners of the poor.

XXV. *And be it further enacted* by the authority aforesaid, That it shall be, and is hereby declared to be, the duty of the comptroller general, as speedily as the same can be done, to make out, from the returns of the tax collectors, and transmit to the clerks of the several courts in the several districts of this State, the names of all persons who have made returns for the year 1812, together with the taxes paid by the said persons, to the end that the persons paying such tax may have an opportunity of comparing their receipts with the same. And it shall be the duty of the clerks of the said courts, on application of any person for an inspection of the said statement so transmitted to him by the comptroller-general, to produce the same; and in case there shall appear a difference between the comptroller-general's report and the receipt of tax paid by such person, the clerk thereupon shall report the same to the legislature; and in case any clerk shall neglect or refuse, without reasonable excuse, to exhibit the same, when demanded in office hours, by any person or persons paying a tax in the said district, he shall be subject to a penalty of ten dollars, to be recovered in any court having competent jurisdiction; one half to the informer, the other to the treasury of this State. And the comptroller general, for his services thus required of him, shall receive the sum of two hundred dollars.

Names of all persons who pay tax to be transmitted to the clerks of courts.

XXVI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of every tax collector to specify in words, at full length, the sum paid by every person for his general tax, distinguishing what every person may pay for poor, or bridge tax, in the receipt to be given by every tax collector to those persons who may pay a tax to him.

Amount of tax paid to be specified in words.

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Attorney-general and solicitors to account to the comptroller.

XXVII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the attorney-general, and each of the solicitors of the different circuits, to certify to the comptroller-general, on or before the first Monday in October in every year, the fines and forfeitures which have been had or inflicted by the courts upon his circuit, within the year next preceding the day aforesaid; and that it shall be the duty of each of the clerks of the several circuit court districts, to return to the comptroller-general, on or before the same day in every year, an account, upon oath, of all the fines and forfeitures inflicted, had, or received within his district court, of the manner how appropriated or remitted, and to pay over to the treasurer of the State the balance in hand on that day; that on failure of any clerk to render such account, he shall forfeit and pay the sum of two hundred dollars, to be recovered in any court having competent jurisdiction; and it shall be the duty of the comptroller general to direct the attorney-general or solicitors, as the case may be, to sue for and recover the said sum, of such clerk as shall fail to render such account.

Penalty for not performing said duty.

XXVIII. *And be it further enacted* by the authority aforesaid, That the said attorney-general or solicitors neglecting to perform the duty required by the preceding clause, they shall be subject to the penalty of one hundred dollars, to be recovered in any court having competent jurisdiction.

The Acts of Assembly to be sent for by the clerks of courts.

XXIX. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act the clerk of every circuit court in this State shall be authorized, and is hereby required, to draw an order on and send an express to the treasurer at Columbia or Charleston, which ever place may be nearest to the court house of said district, for so many copies of the Acts of the Legislature as the said district may be entitled to by law; and the said clerk shall deliver, upon application, to each person in said district who may be entitled to the same, one copy of said Acts; the person who rides the said express shall receive three dollars for every forty miles he shall ride in going to and in returning upon the said service.

Acts to be printed by the 15th of February.

XXX. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the printer of the State to have the said Acts printed on or before the fifteenth day of February, in each and every year hereafter; and the clerk of every district court shall draw the aforesaid order on the treasurer as aforesaid, and have the said Acts in his possession for distribution on or before the tenth day of March in each and every year hereafter.

Public land in Pinckneyville to be valued.

XXXI. *Be it enacted* by the authority aforesaid, That George Plexico, Capt. William Palmer and Isaac J. Foster be, and they are hereby appointed, commissioners to appraise and value the public land in Pinckneyville, whereon the court house and goal were erected; part of which land is enclosed or occupied by Daniel McMahan, part by Thomas C. Taylor, and part by Amos Davis, Esquire; and that each of the aforesaid persons shall have the part of land by them enclosed or occupied at the valuation of the commissioners; and that the said commissioners be, and they are hereby, authorized to make and execute titles to the persons aforesaid, for the respective parts of land enclosed or occupied by them, upon their first paying into the treasury of this State the valuation which shall be made by the commissioners aforesaid; which valuation shall be made without any regard to the improvements on the said lands.

Said land to be taken at the valuation or sold by the sheriff of Union.

XXXII. *Be it enacted* by the authority aforesaid, That in case the said Daniel McMahan, Thomas C. Taylor, Amos Davis, or either of them, shall refuse to receive the said land at the valuation aforesaid, that then the sheriff of Union district for the time being shall sell, in separate and distinct lots, the parts of land enclosed or occupied by the persons aforesaid, on

some public sale day, giving the notice now required by law in sales of land ; and that he do make and execute titles for the same to the purchaser or purchasers, upon the payment of the purchase money to him ; and that the sheriff do pay the money, when received, into the treasury of this State. A. D. 1813.

XXXIII. *And be it further enacted* by the authority aforesaid, That the owner or keeper of every stud horse or jack, in this State, shall pay the price of the season of one mare, to the tax collector of each district where such stud or jack stands. Tax on stud horses and jacks.

XXXIV. *And be it further enacted* by the authority aforesaid, That every owner or keeper of any stud horse or jackass, shall give in and pay to the tax collector of the district or parish, on the first day of June in each and every year, wherein such stud horse or jackass may stand, the tax imposed by this Act. Said tax to be paid by the 1st of June.

XXXV. *And be it further enacted* by the authority aforesaid, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other entertainment of the stage, or any part therein, all fortune tellers, and those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of three dollars per day, when they make those exhibitions at the towns or villages that are not incorporated ; and the said sum of three dollars shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay over the same into the treasury annually. Tax on plays and shows.

XXXVI. *And be it further enacted* by the authority aforesaid, That a tax of twelve and a half dollars per cent. shall hereafter be paid by the agent or agents of the Phoenix Insurance Company, in the city of Charleston, on all premiums or income received by him or them for the said company, for the insurance of property within this State, and on all marine insurances effected by them within this State. And it shall be the duty of the aforesaid agent or agents, on or before the first day of February in each and every year, to make a return to the collector of the parishes of St. Philip's and St. Michael's, of all property insured by them within this State for the year preceding the first day of October, in each and every year ; in which said return the said agent or agents shall particularly state the property by him or them insured for the preceding year, with the premiums reserved in or received under policies entered into by the Phoenix Company ; and in case the said agent or agents shall fail or neglect to make the return required by this Act, within the time prescribed by the Act, then and in that case it shall be the duty of the tax collector for the said parishes of St. Philip's and St. Michael's, and he is hereby authorized and empowered, to issue an execution against the said agent or agents, for a tax equal to double the sum which he may think the said company ought to pay ; which said execution shall in the first instance be levied upon any property owned by or belonging to the said Phoenix Company, within this State : and in case the said company should possess no property or effects upon which the said execution can be levied, then the sheriff of Charleston district, in whose hands the same shall be placed, shall cause the same to be levied upon any property, real or personal, owned by or belonging to the agent or agents of the said company ; and in case the said execution, hereby required to be issued, should be returned *nulla bona*, then and in that case it shall be the duty of the said tax collector to issue an execution against the body or bodies of the said agent or agents. Phoenix Insurance Company.

XXXVII. *And be it further enacted* by the authority aforesaid, That the agent or agents of the said company, now or hereafter acting for them, shall be, and they are hereby, authorized and empowered, out of the Said tax to be paid by the agent of the said company

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Civil officers
taxed.

premiums received for the said company, to retain a sum equal to the payment of the tax imposed by this Act.

XXXVIII. *And be it further enacted* by the authority aforesaid, That all civil officers shall pay to the tax collectors of this State, in each of their respective parishes or districts, forty-five cents on every hundred dollars which they may receive as perquisites of office.

Compensation
to tax collec-
tors.

XXXIX. *And be it further enacted* by the authority aforesaid, That the several tax collectors throughout this State, except in the parishes of St. Philip's and St. Michael's, shall be entitled to, and are hereby authorized to retain, as a compensation for collecting the taxes by this Act imposed, the sum of three and a half per cent., and the said tax collectors for St. Philip's and St. Michael's the sum of one and three quarter per cent. upon the sums by them respectively collected; and that all Acts or parts of Acts repugnant to this clause be, and the same are hereby, repealed.

Sheriffs to
make returns
of executions
lodged with
them.

XL. *And be it further enacted* by the authority aforesaid, That the sheriffs of the several districts within this State, with whom executions for taxes shall be lodged by the collectors in this State, shall be, and they are hereby, required, within ninety days after receiving such executions, to make to the comptroller general a full and complete return thereof; and in case any sheriff shall fail or neglect to make such return, within the time prescribed by this Act, then and in that case it shall be the duty of the comptroller general, and he is hereby enjoined and required, to cause such defaulting sheriff to be debited in the books of the treasury with the full amount of his receipt, and such sheriff or sheriffs shall not afterwards be entitled to a credit for any executions returned by them after the expiration of the said ninety days, although such executions should be returned "*nulla bona*," or "*non est inventus*."

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirteen, and in the thirty-eighth year of the Sovereignty and Independence of the United States of America.

SAVAGE SMITH, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 2042. *AN ACT* TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTEEN.

Appropriations

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of the public officers, and other expenses and purposes of government.

For the salary of the Governor, two thousand five hundred and seventy-two dollars.

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of the six Judges of the courts of Common Pleas, each two thousand five hundred and seventy two dollars; in the whole, fifteen thousand four hundred and thirty-two dollars.

For the salaries of five Judges of the Courts of Equity, twelve thousand eight hundred and sixty dollars.

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For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full recompense for the discharge of all public duties incident to the office of Attorney General, one thousand dollars.

For the salary of the Comptroller-general, clerks and stationary included, as a full compensation for his services, three thousand dollars.

For the salaries of four Circuit Solicitors, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, each five hundred dollars; in the whole two thousand dollars.

For the salary of the Treasurer in Charleston, and for transacting the business of the loan office, and clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For Lyon Levi, while he continues clerk in the treasury office, in addition to his salary as clerk, four hundred dollars.

For the salaries of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars; in the whole, two thousand four hundred and sixty dollars.

As a compensation to the Clerk of the Court at Columbia, for his services in attending the Constitutional Court, one hundred and forty dollars.

As a compensation to the Commissioner in Equity, for his attendance in the Court of Appeals in the court in Columbia, one hundred dollars.

As a compensation to the Clerk of the Court of Charleston, one hundred and forty dollars.

As a compensation to the Sheriff of Richland district, for attending the Constitutional Court and the Court of Equity at Columbia, one hundred dollars.

As a compensation to the Sheriff of Charleston district, for attending the Constitutional Court and Court of Appeals in Charleston, one hundred and fifty dollars.

As a compensation to the keeper of the State House at Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, two thousand dollars.

For the salaries of nine Brigade Inspectors, each two hundred and sixteen dollars; in the whole, one thousand nine hundred and forty-four dollars.

As a compensation to James S. Guignard, commissioner of Columbia, sixty-eight dollars, sixty-eight cents.

As a compensation to John Sollee, for the use of his building, fifty dollars.

As a compensation to John Parr, for work done in Senate chamber, twenty-two dollars twenty-eight cents.

For the salary of the Port Physician of Charleston, for boat hire and all other expenses incident to his office, one thousand dollars.

As a compensation for the Arsenal keeper and powder receiver in Charleston, five hundred dollars.

As a compensation to the Arsenal keepers and powder receivers at Camden and Abbeville, fifty dollars each—in the whole, one hundred dollars; and for the arsenal keepers and powder receivers for Georgetown and Beaufort, one hundred and fifty dollars each—in the whole three hundred dollars.

For the contracts with the State Printers, a sum not exceeding fifteen hundred dollars.

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As a compensation for the Pilot of the bar and harbour of Georgetown, three hundred and twenty-two dollars.

As a compensation to the Pilot of the bar and harbor of Beaufort, three hundred and twenty-two dollars.

For Annuities, two thousand five hundred dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary of the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

As a contingent fund subject to the Governor's draft, for the expenditure of which he shall submit an annual account, ten thousand dollars.

For the expenses of the Members of the Legislature at the present session of the Legislature, and pay of the Solicitors for their attendance, seventeen thousand dollars; if so much be necessary.

As a compensation to the two Doorkeepers of the Legislature, two hundred and fifteen dollars each; in the whole, four hundred and thirty dollars.

As a compensation to two Messengers, two hundred and fifteen dollars each—in the whole, four hundred and thirty dollars; to be paid at the adjournment of the legislature.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

For aid in supporting the transient poor in Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller-general, and by him submitted to the legislature.

For the discharge of the contingent expenses of the upper division of the State, a sum not exceeding six thousand dollars.

For the discharge of the contingent expenses of the lower division, six thousand dollars.

For the salaries of two tutors in the South Carolina College, each six hundred dollars—in the whole, twelve hundred dollars.

For the salary of the Professor of Chemistry in the South Carolina College, sixteen hundred dollars.

Professors in College.

II. *And be it enacted* by the authority aforesaid, That the sum of six hundred dollars be, and the same is, appropriated to the professor of logic and moral philosophy; and that the sum of six hundred dollars be, and is hereby, appropriated to the professor of languages, in addition to what each of the said professors are already allowed out of the funds annually appropriated to the South Carolina College, agreeably to a principle established by the appropriation of the year eighteen hundred and twelve, of the like sums for that purpose.

For the pay of the magazine guard, to consist of an officer, sergeant, and six men; to be paid by and under the direction of the comptroller-general, two thousand dollars.

Paper medium to be burnt.

III. *And be it enacted* by the authority aforesaid, That the treasurer at Charleston, under the direction of the comptroller-general, in his presence and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, and any three of the Judges of the Courts of Law or Equity in this State, or in the presence of a majority of the persons above mentioned, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State, now in the treasury,

or that may be received previous to the next meeting of the Legislature, to be burnt: Provided, that the sum so burnt shall not exceed two thousand and sixty-one dollars; and the said treasurer is hereby required to report to the Legislature the amount of the medium which may be burnt pursuant to this Act.

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IV. *And be it enacted* by the authority aforesaid, That the treasurer, on receiving any money from the tax collectors, or any other person, shall give him or her two receipts for the same; and in case any treasurer shall neglect to furnish any person with two receipts as aforesaid, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars; to be recovered in any court having jurisdiction thereof; and the comptroller general, upon information made to him, shall take the necessary measures to cause the same to be recovered.

Treasurer to give two receipts.

V. *And be it further enacted*, That so much of an Act passed the twenty-fourth day of September last, as authorizes the Governor to pay the adjutant general additional compensation, be, and the same is hereby, repealed.

For Benjamin Tyler, arrears of pensions from one thousand seven hundred and eighty-four to one thousand eight hundred and four, four hundred and twenty-eight dollars and forty cents.

To D. & J. J. Faust, for printing extracts from the journals of the Senate, for the years 1812 and 1813, in conformity to contract with that house, five hundred dollars.

For Thomas Taylor, senior, twelve hundred and twenty-three dollars and forty-six cents, agreeable to a resolution of both branches of the Legislature.

For John Parr, for repairs of the tables of the Representatives chamber, agreeable to a resolution of this house, one hundred and seventeen dollars, ninety-two cents.

For John Mayrant, three hundred dollars, or so much thereof as will pay the interest at six per cent. on the sums appearing to have been due him on the portage bill book of the frigate South Carolina, to be ascertained and settled by the comptroller general, and by him to be reported to the Legislature at their next session.

For the purchase of two swords, as a testimony of respect for the distinguished services of Lieutenant Edward M'Call and Lieutenant Thomas Tillinghast, in a naval engagement between the American sloop of war Enterprise and the British sloop of war Boxer, in which the American arms were victorious, five hundred dollars.

VI. *Be it enacted* by the authority aforesaid, That the sum of fifteen hundred dollars be paid (if so much be necessary) to the commissioners appointed by the Legislature to superintend the building of the gaol in Georgetown district, for the purpose of completing the same.

Gaol of Georgetown.

VII. *And be it enacted* by the authority aforesaid, That the sum of one thousand five hundred dollars be appropriated for the repairs and completion of the court house and gaol of Colleton district, if so much be necessary; and that James P. Appleby, Joseph Coger, Jr. W. B. Mitchell, William Oswald, and Richard Singleton, be, and they are hereby appointed, commissioners for repairing and completing the said court house and gaol.

Of Colleton.

For the commissioners for laying out and designating certain boundary lines between the parishes of St. Philip and St. James, Goose-creek, of St. James, Goose-creek, and St. George's, Dorchester, of St. George's, Dorchester, and St. Andrew's, and of St. Andrew's and St. Philip's, to pay surveyors, and four brick pillars, the sum of three hundred dollars, if so much be necessary.

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For Abraham Harmon, as payment for a horse lost in the service of the State, fifty dollars.

For Gideon Cole, as payment for a horse impressed and injured in the service of the State, eighty dollars.

For the repairs of the court house of Lancaster district (if so much be necessary,) two hundred dollars; and that Samuel Dunlap, John Montgomery and Benjamin Massey, be appointed commissioners to superintend the said repairs.

For Joshua and William Palmer, for the purpose of remunerating them for damages sustained for cutting their saw mill dam, five hundred dollars.

Appropriation
for the militia.

VIII. *And be it further enacted* by the authority aforesaid, That the sum of eighty thousand dollars (if so much by necessary,) be, and the same is hereby, appropriated for the pay, rations and support of such of the militia of this State as the Governor or Commander-in-chief shall think proper to call out for the defence of the State, and for the munitions of war and all other military purposes.

For William Scarborough, two hundred and twelve dollars, thirty cents, to reimburse him for expenses incurred in defending his father's estate, against which a suit had been instituted on behalf of the State for a bond which had been paid to a former treasurer, but not canceled.

Chester court
house.

IX. *And be it further enacted* by the authority aforesaid, That the commissioners appointed to superintend the repairs of the gaol of Chester district, be authorized to apply to the repairs of the court house of the said district any unexpended monies in their hands.

Proceedings
to be stayed in
certain cases.

X. *And be it enacted* by the authority aforesaid, That the comptroller-general be, and is hereby, directed not to proceed to collect a certain debt due by the representatives of Stephen Baldy, deceased, to the State, nor a certain debt due by Elias Gabriel Jaudon to the State: provided, that the representatives of the said Stephen Baldy and Elias Gabriel Jaudon, shall give further security, if the comptroller shall think it necessary.

To William Knox, for his arrears of pension, the sum of eighty-five dollars, seventy-one cents.

For the support of two orphan boys, selected by the commissioners of the orphan house, one hundred and forty dollars each, as provided for by an Act passed in the year one thousand eight hundred and eleven—in the whole two hundred and eighty dollars.

Further indul-
gence to secu-
rities of D
Doyley.

XI. *And be it enacted* by the authority aforesaid, That a further indulgence, until the first day of January one thousand eight hundred and fifteen, be, and the same is hereby, extended to Charles Pinckney, Esquire, and the other sureties of Daniel Doyley, for the debt due by them to the State.

For Doctor Elijah Gillet, six hundred dollars, as restoration of a sum of money improperly paid by him on account of his father's estate; and the comptroller-general is hereby required to have satisfaction entered upon a judgment obtained by the State against him, as the executor of the late Aaron Gillett.

Comptroller to
negotiate a
loan with the
Bank.

XII. *And be it enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized and required to negotiate a loan with the bank of the State of South Carolina, for the sum of one hundred and thirty-four thousand dollars, for the purpose of paying the quota of the direct tax imposed on this State by the general government; and, on or before the tenth day of February next, to place to the credit of the secretary of the treasury of the United State, the sum of one hundred and twenty-nine thousand one hundred and nineteen dollars twenty-five cents, being the amount required of this State under the Act of Congress.

For William G. Singletary, as a compensation for registering the records of Marion district, agreeably to a resolution of the Legislature in Decem-

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ber, one thousand eight hundred and twelve, six hundred and eighty-three dollars.

For William Rowe, to remunerate him for expenses incurred in assembling and furnishing supplies to two detachments of militia ordered out, seventy-nine dollars and twenty-four cents.

For William Wayne, for extra work done to the court house of Georgetown, one hundred and fifty dollars.

For William B. Villard, for injuries sustained in apprehending an outlaw negro man, Sampson, three hundred dollars.

For Zachariah Stedham, for arrears of pensions from seventeen hundred and ninety-one to eighteen hundred and thirteen, four hundred and seventy-one dollars and forty-two cents.

To indemnify the estates of Uriah Edwards and Francis Coleman for a tract of land improperly sold by the commissioners of confiscated estates, as the property of Jacob Valk, to be paid to the legal administrators of the said Uriah Edwards and Francis Coleman, whenever they shall administer on said estates, within this State, three thousand and eighty-five dollars.

For William Carter, one hundred and seventy-one dollars and forty-two cents, an arrearage of pensions granted to him by a resolution of both branches of the Legislature in December, one thousand eight hundred and twelve.

For the purpose of refunding to Benjamin Reynolds the purchase money of a piece of land sold by the State, and in which the State had no title, nine hundred and fifty-five dollars, seventy-three cents, with interest at seven per cent. from eighteenth of April one thousand eight hundred and six, to first day of January next.

For Peter Gibert, executor of P. Moragne, assignee of John Campbell, for an indent certificate, number two hundred and forty-one, for seven pounds one shilling and five pence, or thirty dollars and thirty cents, with interest from the first of April one thousand seven hundred and eighty-nine.

For the repairs of the court house of Kershaw district, if so much be necessary, one thousand dollars; and that Wiley Vaughan, James Chesnut, Peter Warren, Chapman Levy and Thomas Whitaker, be appointed commissioners to superintend the said repairs.

For the repairs of the gaol of Beaufort district, if so much be necessary, two hundred and fifty dollars; and that Berkley Ferguson, Charles Jones Jenkins, and John Riley, be appointed commissioners to superintend the said repairs.

XIII. *And be it enacted* by the authority aforesaid, That the following sums of money be appropriated for the purposes hereafter mentioned, viz.

For Dr. John Noble, for attendance on the magazine guard, in the years one thousand eight hundred and eleven and twelve, one hundred and twenty-three dollars, twenty-seven cents.

For Dr. John L. E. W. Shecut, for attendance on the magazine guard, in the year one thousand eight hundred and eleven, one hundred and one dollars, fifty cents.

For Dr. James Moultrie, for attendance on prisoners in Charleston gaol, in the years one thousand eight hundred and eleven and twelve, three hundred and seventeen dollars fifty-three cents.

For Dr. James Moultrie, Jr. for attendance on prisoners in Charleston gaol, in the years one thousand eight hundred and eleven and twelve, two hundred and seventy-three dollars, sixty-five and a half cents.

For Dr. Abner Crenshaw, for attendance on prisoners in Laurens gaol, in the years one thousand eight hundred and eleven and twelve, twenty-five dollars, twenty-five cents.

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As a compensation to John McNeill, gaoler of Chesterfield, for dieting a prisoner, fifty-nine dollars, twenty-five cents.

For Doctors Brazier and Rambert, for attendance on prisoners in Edgefield gaol, in the years one thousand eight hundred and eleven and twelve, thirty-eight dollars.

For Dr. Thomas Brickhouse, for attendance on prisoners in Edgefield gaol, in the years one thousand eight hundred and eight and nine, forty-four dollars, twenty-five cents.

For Doctor Sweepsom Cox, for attendance on prisoners in Camden gaol, in the year one thousand eight hundred and twelve, nine dollars fifty cents.

Marion gaol.

XIV. *And be it further enacted* by the authority aforesaid, That two hundred dollars be, and is hereby, appropriated for the purpose of repairing the gaol in Marion district, if so much be necessary; and that Colonel Godbold, Major Legget, C. Daniel, John M'Lean, and Jesse Legget, be appointed commissioners to superintend the same.

XV. *And be it further enacted* by the authority aforesaid, That William Griffin be, and he is hereby, placed upon the pension list, and shall be entitled to all the arrearages heretofore, and that the comptroller general be directed to pay him the same, from the year one thousand seven hundred and ninety-four.

For Samuel Raney, in payment of an indent issued to him, on producing said indent to the comptroller general, thirty-four dollars and twenty eight cents, with interest thereon from the thirteenth of May, in the year one thousand seven hundred and eighty-five.

For Philip Fry, twenty-one dollars, forty-two cents, agreeable to the joint concurrence of both houses of the Legislature.

For Hardy Stroud, twenty-one dollars, forty-two cents, for one year's annuity due his father, William Stroud, agreeable to a joint resolution of both houses of the Legislature.

XVI. *And be it further enacted*, That the comptroller be, and he is hereby, authorized to pay to William Adams three hundred and fifty-one dollars, for an indent issued in favor of the said William Adams, but which was never paid him.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirteen, and in the thirty-eighth year of the Independence of the United States of America.

SAVAGE SMITH, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

No. 2043. *AN ACT* TO ENABLE PERSONS, HEREAFTER, ON PETITION TO THE COURTS OF LAW OR EQUITY IN THIS STATE, TO CHANGE THEIR NAMES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any person who may be desirous of changing his or her name

for that of another, to exhibit his or her petition in writing, to any of the judges of the Courts of Common Law or Equity of this State, in open court, setting forth in said petition the reasons why he or she is desirous of changing his or her name, together with his or her age, place of residence and nativity, and the name by which he or she wishes thereafter to be called and known : upon which said petition and the reasons therein contained, it shall be the duty of the judge to determine, and grant or not grant the prayer thereof, as to him shall appear proper, having a due regard to the true interest of the petitioner. That whenever the prayer of such petition shall be granted, it shall be the duty of the clerk or commissioner of said court, to enter the same on the minutes of the court, and to file the original petition, with the *fiat* of the judge, among the papers of his office ; and to deliver to the petitioner a true copy of said petition, together with a copy of the judge's order thereon, properly certified, and under the seal of said court ; for which the said clerk or commissioner shall be entitled to and receive from the petitioner the sum of five dollars, and no more. And which proceedings so certified as aforesaid, on being produced to the secretary of this State, shall by him be recorded in a book to be by him kept in his office for that purpose, whose duty it shall be forthwith to deliver to the petitioner a true copy of such record, with the seal of this State affixed ; for which the said secretary shall be entitled to and receive from the petitioner the sum of five dollars, and no more. And upon the seal of the State being affixed to the record aforesaid, and delivered to the petitioner, his or her name shall be, and is thereby immediately, changed to that contained in the said record.

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Proceedings
for changing
names.

II. *And be it enacted* by the authority aforesaid, That in all cases, whether in Law or Equity, the person so changing his or her name may sue and be sued, plead and be impleaded, by his or her new name, and no other. That in all cases where an action or actions shall be pending at the time of such alteration of names, the same shall not abate by the party's name being changed, but the record on motion shall be amended by expunging the old name, and inserting the new name of the party. And that in all cases, whether in Law or Equity, where the party changing his or her name is bound by obligation or otherwise, the effect of which obligation would extend to and impose any obligation on the heirs, executors or administrators of the person so having changed his name, the same heirs shall be and remain bound to all intents and purposes, in the same manner and to the same extent as if the said party had not changed his or her name.

Effect.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT to establish a Court of Equity for Edgefield district.

No. 2044.

(Passed December 20, 1814. See last volume.)

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No. 2045. *AN ACT* FOR THE PROTECTION OF THE MARATIME FRONTIER OF THIS STATE.

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor and Commander-in-chief of this State be, and he is hereby, authorised to cause a survey to be made of the maratime frontier of this State; and, in conjunction with the officer of the United States army commanding this military district, to fix upon certain points for the establishment of block-houses or other fortifications for the protection of the coasting trade; and he is hereby authorized to build block-houses on the said points, or establish such a chain of military posts as will in his opinion most effectually provide for the protection of the maratime frontier; and the Governor is hereby authorized, in case the United States shall not provide a sufficient number of men to occupy and defend the said posts, to call into service such portion of the militia of this State as may be necessary for the purposes aforesaid.

II. *And be it further enacted* by the authority aforesaid, That the sum of fifty thousand dollars, (if so much be necessary) be, and the same is hereby, appropriated for the purposes above mentioned.

In the Senate House, the twenty first day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2046. *AN ACT* to prolong the time for certain militia officers to take the oath or affirmation prescribed by law.

(Passed December 20, 1814. *See last volume.*)

No. 2047. *AN ACT* to alter and amend the charter of the Bank of the State of South Carolina, so far as relates to the issuing of bills of a less denomination than one dollar; and for other purposes therein mentioned.

(Passed December 21, 1814. *See last volume.*)

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AN ACT to incorporate the several Societies therein mentioned; and for other purposes. No. 2048.

(Passed December 21, 1814. See last volume.)

AN ACT TO VEST CERTAIN LANDS IN THE DISTRICT OF MARION IN THE PRESIDENT AND MEMBERS OF THE MARION ACADEMY SOCIETY, FOR THE PURPOSE OF ENDOWING THE MARION ACADEMY. No. 2049.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the confiscated property to which the State is now entitled in the district of Marion, and all such property as hath heretofore or may hereafter accrue to this State in the said district, on account of property which by an Act entitled "An Act to appoint escheators and regulate escheats," hath escheated to this State, provided the same shall not exceed the sum of two thousand dollars, shall be, and the same is hereby, vested in the President and members of the Marion Academy Society, for the benefit of the Marion Academy. And the said Marion Academy Society are hereby vested with all the powers of escheators in the district aforesaid, for the selling and disposing of the land and property aforesaid: Provided, that nothing contained in this shall effect the property of any friendly aliens residing in this State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Sovereignty and Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO ALTER AND CHANGE THE NAME OF ALEXANDER SILLS. No. 2050.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the name of Alexander Sills be changed and altered to that of John Alexander Willey; and that from and after the passage of this Act the said Alexander Sills shall be known and called, in deed and in law, by the name of John Alexander Willey.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

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No. 2051. AN ACT TO ENABLE JOHN WILLIAMS TO TAKE BY DESCENT FROM HIS MOTHER, NANCY WILLIAMS.

WHEREAS, John Williams has represented, by his petition to the Legislature of this State, that he is the illegitimate child of Nancy Williams, and that she is seized and possessed of a considerable estate, and by reason of her insanity is unable to devise or dispose of the said estate in favor of the said John Williams :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said John Williams shall be able and capable in law to have, hold and take by descent all such property or estate, of what nature or kind soever, of which the said Nancy Williams shall or may be seized or possessed of at the time of her death, in as full and ample a manner as if he, the said John Williams, had been born in lawful wedlock.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2052. AN ACT to alter the Southern Circuit, so as to give to the District of Edgefield two weeks for the sitting of its Courts; and to alter the time of holding the election for Sheriff of Beaufort District.

(Passed December 21, 1814. *See last volume.*)

No. 2053. AN ACT for incorporating the Grand Lodge of South Carolina.

(Passed December 20, 1814. *See last volume.*)

No. 2054. AN ACT to divide the State into Five Divisions and Ten Brigades.

(Passed December 21, 1814. *See last volume.*)

No. 2055. AN ACT to raise a Brigade of State Troops.

(Passed Dec. 20, 1814. *See last volume.*)

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No 2056.

AN ACT TO VEST CERTAIN REAL ESTATES IN JOHN M'NINCH.

WHEREAS, John M'Ninch, whilst an alien, purchased certain real estates, which he has petitioned the Legislature to vest in him :

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all lands and real estates which the said John M'Ninch may have purchased, whilst an alien, shall be, and the same are hereby, vested in the said John M'Ninch, his heirs and assigns, for ever ; any law to the contrary notwithstanding.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT to establish certain Roads, Bridges and Ferries ; and for other purposes therein mentioned. No. 2057.

(Passed December 21, 1814. See last volume.)

AN ACT TO AMEND AND EXPLAIN AN ACT ENTITLED "*An Act limiting the term of service of certain Officers who have heretofore held their offices during good behaviour ; and for other purposes therein mentioned,*" SO FAR AS RELATES TO THE MODE OF APPROVING THE SECURITY TO BE GIVEN BY THE ATTORNEY GENERAL, SOLICITORS, REGISTRARS AND COMMISSIONERS IN EQUITY. No. 2058.

WHEREAS, it is required by the aforesaid Act that the attorney general and solicitors shall respectively give bond with two good securities, to the State of South Carolina, to wit : the attorney general in the penal sum of ten thousand dollars, and the solicitors each in the sum of five thousand dollars, for the faithful discharge of the duties of their respective offices ; and it being doubtful whether any person or persons are authorized by the said Act to approve of such security :

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the comptroller general be, and he is hereby, authorized to approve of the security hereafter to be given by the attorney general and solicitors respectively.

II. And whereas, B. H. Saxon hath, during the present session of the Legislature, been duly elected a solicitor for the western circuit of this State, but hath not given bond and security agreeable to the Act aforesaid, or entered upon the duties of his office : *Be it therefore enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, authorized to approve of the security and receive the bond to be executed

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by the said B. H. Saxon, for the faithful discharge of the duties of his office ; any law, usage or custom to the contrary notwithstanding.

III. *And be it enacted* by the authority aforesaid, That every register and commissioner in equity, who shall hereafter be appointed, shall execute a bond with good and sufficient security, for the sum of ten thousand dollars, for the faithful performance of the duties of their respective offices : excepting the registers and commissioners of Georgetown, Charleston and Beaufort, who shall be required to give the same security as heretofore required by law ; the bonds to be taken and securities approved of by such commissioners as are or shall be appointed to approve the securities of the sheriff of the circuit court district in which the registers and commissioners aforesaid shall respectively reside.

In the Senate House, December, the sixteenth day, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2059. AN ACT to appoint certain Commissioners for the purpose of assessing the value of certain lands in the Parish of St. Philip's, on which Fortifications are now erecting for the defence of Charleston ; and for other purposes therein mentioned.

(Passed December 16, 1814. *See last volume.*)

No. 2060. AN ACT TO APPROPRIATE A SUM OF MONEY, ANNUALLY, FOR THE PURCHASE OF A LIBRARY FOR THE USE OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THIS STATE.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sum of five hundred dollars be annually appropriated for the purchase of a library for the use of the members of the Senate and House of Representatives of this State.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Sovereignty and Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2061. AN ACT TO PROHIBIT THE STUDENTS OF THE SOUTH CAROLINA COLLEGE FROM USING THE STATE HOUSE IN COLUMBIA, IN FUTURE, TO HOLD THEIR COMMENCEMENT BALL IN.

WHEREAS, the State House, in the town of Columbia, is intended for State purposes only, and the Legislature has heretofore, on the appli-

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cation of the students of the South Carolina College, permitted it to be used for their commencement ball ; and whereas, such use has been found incompatible with the safety of the house, and the records of the offices of secretary of State and surveyor general, and the papers and funds of the treasury and of the Branch Bank of the State of South Carolina, deposited therein :

I. *Be it therefore enacted*, by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That hereafter the students of the South Carolina College shall be, and they are hereby, for ever prohibited from holding their commencement ball in the State House, in the town of Columbia, and from dancing therein.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

**AN ACT TO EMPOWER THE VESTRY AND WARDENS OF TRINITY CHURCH, No. 2662.
AND CERTAIN COMMISSIONERS ON THE PART OF THE FIRST PRESBYTERIAN
CHURCH, IN THE TOWN OF COLUMBIA, TO ESTABLISH A LOTTERY OR
LOTTERIES.**

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the vestry and wardens of the said church, for the time being, shall have full power and authority, and they are hereby fully authorized and empowered, to establish one or more lottery or lotteries, and to proceed to the drawing of the same, for the use, benefit and support of the said church ; provided, the sum of money to be raised thereby shall not exceed the sum of two thousand dollars.

II. *And be it enacted* by the authority aforesaid, That Col. Thomas Taylor, Major Henry D. Ward, Edward D. Smith, John Hooker, and John Murphy, be, and they, or a majority of them, are hereby authorized and empowered, for the sole use and benefit of the First Presbyterian Church in the town of Columbia, to establish and proceed to draw, and finally conclude, one or more lottery or lotteries, for the purpose of completing the abovementioned Presbyterian church, now building in the town of Columbia ; provided, that the sum thereby to be raised shall not exceed two thousand dollars.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

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No. 2063. *AN ACT TO OBLIGE THE CLERK OF THE COURT OF COMMON PLEAS, THE ORDINARY, AND REGISTER OF MESNE CONVEYANCES, FOR THE DISTRICT OF ORANGEBURGH, TO DELIVER CERTAIN RECORDS, WILLS AND OTHER PAPERS IN THEIR HANDS.*

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the clerk of the court of common pleas and sessions, the ordinary, and register of mesne conveyances, of and for the district of Orangeburgh, be, and they are hereby, authorized and required to deliver to the clerk of the court of common pleas and sessions, the ordinary and register of mesne conveyances of Barnwell district respectively, all such records, deeds, wills and other papers relating to their respective offices, and which have heretofore been transferred from the old county court of Winton; and that all reasonable expenses attending such conveyance shall be paid by the State.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Sovereignty and Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS BENNETT, *Speaker of the House of Representatives.*

No. 2064. *AN ACT CONCERNING THE NAVIGATION OF BROAD, PACOLET AND EDIS-TO RIVERS; AND FOR OTHER PURPOSES.*

Preamble.

WHEREAS, the navigation of Broad and Pacolet rivers are much impeded and obstructed by the erecting fish dams and traps in the said rivers, to the great danger and inconvenience of the citizens of this State navigating the said rivers:

Obstructions to be removed.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the board of commissioners for opening and improving the navigation of Broad and Pacolet rivers be, and they are hereby, authorized and empowered to remove every fish dam or trap in either of the said rivers, which shall in any manner impede, injure or obstruct the navigation of either of the said rivers.

II. *And be it further enacted* by the authority aforesaid, That all persons who are now bound by law to work on Pacolet and Broad rivers shall be, and they are hereby, exempted from working on the roads while they continue to work on said rivers.

III. *And be it further enacted* by the authority aforesaid, That Thomas Young and John Halman be, and they are hereby, authorized and empowered to erect a mill dam at their mill seat, on South Edisto river: Provided, that if the said Thomas Young and John Halman shall at any time, for the space of twenty-four hours, fail or neglect to keep open such slopes or locks as will be sufficient for the passage of boats and rafts navigating

the said rivers, every privilege and advantage hereby granted and conferred upon them shall cease, determine and become null.

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IV. Whereas, Samuel Howard, of Savannah, in the State of Georgia, hath contracted with John L. Sullivan, of Boston, for the assignment of a patent right granted to him by the Secretary of State of the United States, for towing and warping ships and loaded boats, by means of other boats impelled by steam; and whereas, the Legislature of Georgia hath granted to the said Samuel Howard and others the exclusive privilege, for the term of twenty years, of towing and warping ships and loaded boats, by means of other boats impelled by steam, in the river Savannah; and whereas, the said Samuel Howard hath petitioned the Legislature of this State to pass a law in his favor to the same purport and intent; and whereas, the Legislature, duly appreciating the improved mode of transportation contemplated in the said petition, and being desirous to encourage and aid in carrying the same into effect: *Be it therefore enacted*, by the authority aforesaid, That the said Samuel Howard and his associates, their heirs and assigns, shall have, for the term of twenty years, the exclusive privilege of towing and warping ships and loaded boats, by means of other boats impelled by steam, in the river Savannah; any law, usage or custom to the contrary, notwithstanding.

Privilege to S. Howard.

V. *And be it further enacted* by the authority aforesaid, That Captain John Woodward and Thomas Whitaker be, and they are hereby appointed, commissioners on the part and behalf of the State, and two commissioners shall be appointed by the President of the Catawba Company on the part and in the behalf of the said Catawba Company, to ascertain the amount of money expended advantageously in the opening the Catawba river, the amount expended for other purposes, and the amount given for stock by the present stockholders, the amount of money arising from the sale of lands sold by the said company; and that they do report the same at the next session of the Legislature.

Commissioners appointed.

VI. *And be it further enacted* by the authority aforesaid, That if either or both of the commissioners first named refuse to act, then and in that case the Governor shall appoint persons to act in their place; and if both or either of the last named commissioners shall refuse to act, then and in that case the said company shall appoint persons to act in their place.

Vacancies.

VII. *And be it further enacted* by the authority aforesaid, That the said commissioners are hereby directed and required to meet on the first Monday in August; and they are hereby authorized to choose a fifth person to act with them for the purposes aforesaid.

When to meet.

VIII. *And be it further enacted* by the authority aforesaid, That the suit now pending in the Court of Equity against the said Company on the complaint of the State, be suspended until the next session of the Legislature; provided, the said company desist from making any further sale of their lands; any law to the contrary thereof, notwithstanding.

Suit suspended

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

A.D. 1814.

No. 2065. *AN ACT* TO ENABLE WILLIAM WOOD TO CHANGE HIS PRESENT NAME
TO THAT OF WILLIAM ELLIOTT WOOD.

WHEREAS, William Wood hath petitioned the Legislature to change his present name to that of William Elliott Wood :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said William Wood be, and he is hereby, authorized to change his present name to that William Elliott Wood ; and that he shall hereafter be known and distinguished in law, and in all transactions in law wherein he may be bound or obliged, or wherein any person or persons may be bound and obliged to him, by no other name but that of William Elliott Wood.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and fourteen, and the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2066. *AN ACT* TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT
HUNDRED AND FOURTEEN; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Tax to be
raised.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof.

Rate of taxation on lands.

II. *And be it enacted* by the authority aforesaid, That sixty-seven and one half cents ad valorem on every hundred dollars, be paid in specie, paper medium, or in the notes of the incorporated banks in the State of South Carolina, on all lands granted within this State, under the regulations hereinafter mentioned. Class No. 1 shall contain all tide swamp of the first quality, not generally affected by salts or freshets, which shall be rated at twenty-six dollars per acre; all tide swamp of the second quality, not generally affected by salts or freshets, which shall be rated at seventeen dollars per acre; all tide swamp of the third quality, not generally affected by salts or freshets, which shall be rated at eight dollars and fifty cents per acre; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre; all inland swamp of the second quality, which shall be rated at eight dollars and fifty cents per acre; all inland swamp of the third quality, which shall be rated at four dollars per acre; all pine barren lands adjoining or contiguous thereto, which shall be rated at one dollar per acre; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable

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of immediate cultivation, which shall be rated at one dollar per acre. Class No. 2 shall comprehend all high river swamps and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee; the first quality to be rated at thirteen dollars per acre; the second quality at eight dollars and fifty cents per acre; the third quality at four dollars per acre; excepting such as may be clearly proven to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre. Class No. 3 shall comprehend all high river swamps and low grounds lying above Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the old Indian boundary line on Pedee, which shall be rated at three dollars per acre. Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre. Class No. 5 shall comprehend all lands lying on the Sea islands, (Stann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in Class No. 4, which shall be rated at four dollars per acre. Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the new boundary line on Pedee, and not included in the description or limits of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre. Class No. 7 shall include all pine barren lands not included in classes No. 1, 4 and 5, which shall be rated at twenty cents per acre. Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford on the Wateree, the first quality of which shall be rated at one dollar and fifty cents per acre; the second quality at one dollar per acre; and the third quality at forty cents per acre. Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality at sixty cents per acre; and the third quality at twenty cents per acre. Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

III. *And be it enacted* by the authority aforesaid, That one dollar fifty-seven and a half cents per head shall be levied upon slaves, of all ages and descriptions; and the sum of three dollars per head upon all free negroes, mulattoes and mestizoes, (except such as shall be clearly proven to the collectors to be incapable, from mums or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; and sixty-seven and a half cents ad valorem on every hundred dollars of the value of all lands and lots and buildings within any city, town, village or borough; and one hundred and fifty-seven and a half cents per hundred dollars, on all stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium, the notes of the banks in the State of South Carolina, or specie.

Rate of taxing
slaves, &c.

IV. *And be it enacted* by the authority aforesaid, That all negroes

- A. D. 1814.** and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of this tax. But nothing in this Act contained shall be construed to impose any tax upon the property or estate of any religious society, or the South Carolina Society, or the Winyaw Indigo Society, or the Fellowship Society, or the estate of the late Doctor De la Howe, demised for charitable purposes, or that part of the estate of the late Thomas Wadsworth devised for the establishment of a school, or the Clarendon, or the High Hills of Santee, or the Camden Orphan Societies, or the Columbia Academy, or the lands and funds owned by the Free School of Dorchester, or the public lands held by the corporation of Charleston, or the lands and funds of any society applicable to education or the maintenance of public schools; but no houses owned or erected on such lands by any private individual or individuals shall be exempted from paying taxes thereon, according to their full value, to be rated by the assessor or assessors in the respective collection districts.
- Exceptions.** V. *And be it further enacted* by the authority aforesaid, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a triple tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration or determination of his commission.
- Slaves employed on Indian lands.** VI. *And be it enacted* by the authority aforesaid, That the tax collectors throughout this State shall receive no payment of taxes but in gold or silver coin made current in this State, the paper medium issued under the authority of the Legislature, bank paper redeemable in the first instance in gold and silver at the bank of South Carolina, the State Bank, Union Bank, Planters and Mechanics Bank, the Bank of the State of South Carolina, or certificates for the payment of the members of the Legislature, or the Solicitors, for their attendance on the Legislature.
- Absentees triple taxed.** VII. *And be it enacted* by the authority aforesaid, That each and every enquirer, assessor and collector shall, on their enquiry for the return of taxes of this State for the year one thousand eight hundred and fourteen, administer the following oath to all such persons as shall be liable to pay any of the said taxes, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that the account which I now give is a just and true account of the quantity and quality of the lands, and number of slaves, which I was possessed of, interested in, or entitled to, on the first day of October, in the year of our Lord one thousand eight hundred and fourteen, either in my own right or the right of any other person, either as guardian, agent, attorney, trustee, or in any other manner whatsoever, according to the best of my knowledge and belief; and that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever." And upon the principal of every sum or sums of money at interest, the interest of which is actually received, over and above what each person pays for interest, the enquirers, assessors and collectors, and every of them, to whom the same shall be returned, shall assess the sum of seventy-five cents on every hundred dollars which shall have produced an interest of seven per cent., and a proportionable sum on all other sums of money drawing less or more than seven per cent; to be recovered in like manner, in case of default, as the collectors have been authorized by law heretofore to do on their returns of lands and slaves.
- What shall be received for taxes.**
- Returns of all property to be made on oath.**
- Tax on money at interest.**

VIII. *And be it enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest as aforesaid, he, she or they shall be liable to suffer the same forfeitures and pay the same penalties as are inflicted by law in case of their refusing or neglecting to make a return of his, her or their lands or slaves.

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Money at interest not returned

IX. *And be it enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby authorized and empowered, whenever required to do so by the Governor and Commander-in-chief for the time being, to negotiate a loan or loans with all or either of the banks of this State, for such sum or sums as the Governor or Commander-in-chief for the time being may deem necessary to support the brigade of State troops, authorized to be raised in and by an Act of the Legislature of this State, passed at the present session, entitled "An Act to raise a brigade of State troops," and for any other appropriations not otherwise provided for; provided the said loans do not exceed the sum of five hundred and forty-two thousand seven hundred and eighty dollars.

Comptroller authorized to negotiate a loan.

X. *And be it further enacted* by the authority aforesaid, That the owner or keeper of any stud horse or jack, in this State, shall pay the price of the season of one mare, to the tax collector of each district where such stud or jack stands.

Tax on stud horses and jacks.

XI. *And be it further enacted* by the authority aforesaid, That every owner or keeper of any stud horse or jackass, shall give in and pay to the tax collector of the district or parish, on the first day of June in each and every year, wherein such stud horse or jackass may stand, the tax imposed by this Act.

Said tax to be paid by the 1st of June.

XII. *And be it enacted* by the authority aforesaid, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other entertainment of the stage, or any part therein, all fortune tellers, and those that exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of three dollars per day, when they make those exhibitions at the towns or villages that are not incorporated; and the said sum of three dollars shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay over the same into the treasury annually.

Tax on plays and shows.

XIII. *And be it further enacted* by the authority aforesaid, That all civil officers shall pay to the tax collectors of this State, in each of their respective parishes or districts, sixty-two and one half cents on every hundred dollars which they may receive as perquisites of office.

Civil officers taxed.

XIV. *And be it enacted* by the authority aforesaid, That Thomas Bomar be, and he is hereby, permitted, previously to the collection of the next general tax, to enter into a new bond, with other and sufficient securities, for the performance of his duty; and that when he shall have so entered into another bond, with securities approved by the commissioners appointed for that purpose, his former securities and their executors and administrators shall be discharged from all liability thereafter incurred for any taxes collected by the said Thomas Bomar.

T. Bomar to give a new bond, &c.

XV. Whereas, John Johnson, Jr. hath purchased a tract of land formerly mortgaged to the loan office by the late Colonel William Thompson, and is desirous of receiving the same indulgence for the payment of the said debt as is extended to all the debtors for the paper medium loan; *Be it therefore enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, authorized to receive, from the said John Johnson, his bond for the amount due by the late Colonel Thompson to the loan office, together with a mortgage of the land purchased by the said John

J. Johnson's bond to be received.

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Johnson, and, on receipt thereof, that the estate of the said William Thompson be therefrom discharged and his bond cancelled.

N. G. Cleary
relieved.

XVI. *And be it enacted* by the authority aforesaid, That Nathaniel Green Cleary, sheriff of Charleston district be, and he is hereby, released from the amount with which he was debited by the comptroller-general, for single tax executions lodged with him under the tax Act of one thousand eight hundred and thirteen, on condition that he make a full and satisfactory return of the said executions, within ninety days after the passing of this Act.

Sales under
tax executions,
how to be con-
ducted.

XVII. And whereas, difficulties have arisen in the collection of the public taxes, by defendants at sales made under the tax executions purchasing in their own property and not complying with the terms of sale, and in other instances by payment of ten per cent. under the Act of one thousand seven hundred and ninety-six, and in other instances by a want of bidders, whereby the revenue of the State is impaired; for remedy whereof, *Be it enacted* by the authority aforesaid, That from and after the passing of this Act it shall be the duty of the sheriffs throughout this State, wherever property sold under executions shall not produce the amount of the tax, with the fees due thereon, by reason of the non-compliance of the purchaser, or any other cause whatsoever, to take the body of the defendant; and it shall not be required of such sheriff or sheriffs to proceed to any sale of the said property, unless in case of intestates.

Vacancies in
board of Bank
directors, how
to be filled

XVIII. *And be it further enacted* by the authority aforesaid, That in all cases where the Legislature shall omit or neglect to fill up the board of directors of the Bank of the State of South Carolina, the directors appointed by such Legislature shall, with the president, fill up such vacancies as shall occur by such omission on the part of the Legislature to appoint a full board of directors, in the manner they are now authorized to do where vacancies occur by death or resignation; and if at any time the Legislature should appoint any number of directors less than seven, the existing board of directors may appoint such number of directors as, with those appointed by the Legislature, shall make up the number of seven, and these seven, with the president, shall appoint the remaining five directors; and where the Legislature shall wholly omit, at any session, to appoint a president or directors, those then in office shall continue until a new appointment shall be made by the Legislature.

Compensation
to tax collec-
tors.

XIX. *And be it further enacted* by the authority aforesaid, That the several tax collectors throughout the State, except in the parishes of St. Philip's and St. Michael's, shall be entitled to, and are hereby authorized to retain, as a compensation for collecting the taxes by this Act imposed, the sum of two and a half per cent., and the said tax collectors for St. Philip's and St. Michael's the sum of one and a half per cent. upon the sums by them respectively collected; and that all Acts or parts of Acts repugnant to this clause be, and the same are hereby, repealed.

Sheriffs to
make returns
of executions
lodged with
them.

XX. *And be it further enacted* by the authority aforesaid, That the sheriffs of the several districts within this State, with whom executions for taxes shall be lodged by the collectors in this State, shall be, and they are hereby, required, within ninety days after receiving such executions, to make to the comptroller general a full and complete return thereof; and in case any sheriff shall fail or neglect to make such return, within the time prescribed by this Act, then and in that case it shall be the duty of the comptroller general, and he is hereby enjoined and required, to cause such defaulting sheriff to be debited in the books of the treasury with the full amount of his receipt, and such sheriff or sheriffs shall not afterwards be entitled to a credit for any executions returned by them after the expira-

tion of the said ninety days, although such executions should be returned "*nulla bona*," or "*non est inventus*."

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XXI. *And be it enacted* by the authority aforesaid, That from and after the passing of this Act, the Phoenix Insurance Company shall be, and they are hereby, prohibited from opening or underwriting any policy or policies of insurance of any kind or nature whatsoever, within the limits of this State; and all policies which may in contravention of this Act be so taken or subscribed by the said company shall be, and they are hereby declared, *null and void*, to all intents and purposes whatsoever; and the agent or agents of the said company shall be liable to a penalty of ten thousand dollars, for every policy so by him or them underwritten or effected within the limits of this State.

Phoenix Insurance Company prohibited from underwriting.

XXII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, directed not to proceed to collect a certain debt due by the securities of Stephen Baldy, deceased, to the State, nor a certain debt due by Elias Jaudon to the State, on or before the first of January one thousand eight hundred and sixteen.

Certain debts not to be collected.

XXIII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the tax collectors of this State to make, on the first day of August in every year, to the commissioners of the poor, in the parish or district in which any poor tax shall be by the said tax collectors respectively collected, a return of such poor tax, in like manner as they make returns of the public tax to the treasurers of this State. And it shall be the duty also of the said tax collectors to make a duplicate return to the comptroller general of the amount of the tax so collected and paid to the commissioners.

Poor tax.

XXIV. *And be it enacted* by the authority aforesaid, That the said several tax collectors in each fiscal division of the State shall exhibit, in some column of his return, the number of acres of land lying within their respective divisions, and the number of acres lying elsewhere, and for which taxes shall be paid them; in like manner they shall exhibit in other columns the number of negroes in their respective divisions, and of those elsewhere, whereon taxes shall be paid them; and in other separate columns exhibit the amount of taxes in their respective divisions, on every different article taxed by law; and the comptroller general shall preserve these columns in his aggregate of taxes to be laid before the next meeting the Legislature.

Tax collectors to return property lying in other divisions, for which taxes are paid them.

XXV. *And be it further enacted* by the authority aforesaid, That the comptroller-general shall annually publish in the Carolina Gazette a list of such commissioners and clerks as have neglected to make their returns as above required, for the preceding year; and provided that the said commissioners and clerks do not make their returns on or before the first day of September after such publication, it shall be the duty of the attorney-general or solicitors, as the case may be, to sue for and recover the penalty to which they have been heretofore declared liable; except the commissioners of St. Philip's and St. Michael's parishes, who shall account to the City Council of Charleston as heretofore.

Names of defaulters to be published.

XXVI. *And be it enacted* by the authority aforesaid, That it shall be, and is hereby declared to be, the duty of the comptroller general, as speedily as the same can be done, after the first of October in every year, to make out, from the returns of the tax collectors, and to transmit to the clerks of the several courts in the several districts of this State, the names of all persons who have made returns for the preceding year, together with the taxes paid by the said persons, to the end that the persons paying such tax may have an opportunity of comparing their

Names of persons who make tax returns to be left with the clerks of courts.

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receipts with the same. And it shall be the duty of the clerks of the said courts, on application of any person for an inspection of the said statement so transmitted to him by the comptroller-general, to produce the same; and in case there shall appear a difference between the comptroller-general's report and the receipt of tax paid by such person, the clerk thereupon shall report the same to the legislature; and in case any clerk shall neglect or refuse, without reasonable excuse, to exhibit the same, when demanded in office hours, by any person or persons paying a tax in the said district, he shall be subject to a penalty of ten dollars, to be recovered in any court having competent jurisdiction; one half to the informer, the other to the treasury of the State. And the comptroller general, for his services thus required of him, shall yearly receive the sum of two hundred dollars.

Further indul-
gence granted
to C. Pinckney.

XXVII. *And be it further enacted* by the authority aforesaid, That a further indulgence, until the first day of January, one thousand eight hundred and sixteen, be, and the same is hereby, extended to Charles Pinckney, and the other securities of Daniel Doyley, for the debt due by them to the State.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2067. *AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND FOURTEEN.*

Appropriations

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of the public officers, and other expenses and purposes of government.

For the salary of the Governor, two thousand five hundred and seventy-two dollars.

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of the six Judges of the courts of Common Pleas, each two thousand five hundred and seventy-two dollars.

For the salaries of five Judges of the Courts of Equity, each two thousand five hundred and seventy-two dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full compensation for the discharge of all public duties incident to the office of Attorney General, one thousand dollars.

For the salary of the Comptroller-general, clerks and stationary included, as a full compensation for his services, three thousand dollars.

For the salaries of four Circuit Solicitors, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, each five hundred dollars.

For the salary of the Treasurer in Charleston, for transacting the

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business of the loan office, and clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salaries of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars.

As a compensation to the Clerk of the Court of Columbia, for his services in attending the Constitutional Court, one hundred and forty dollars.

As a compensation to the Commissioner in Equity, for his attendance in the Court of Appeals in the court in Columbia, one hundred dollars.

As a compensation to the Clerk of the Court in Charleston, one hundred and forty dollars.

As a compensation to the Sheriff of Richland district, for attending the Constitutional Court and the Court of Equity at Columbia, one hundred dollars.

As a compensation to the Sheriff of Charleston district, for attending the Constitutional Court and Court of Appeals in Charleston, one hundred and fifty dollars.

As a compensation to the keeper of the State House in Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, two thousand dollars.

For the salaries of ten Brigade Inspectors, each two hundred and sixteen dollars.

For the salary of the Port Physician of Charleston, for boat hire and all other expenses incident to his office, one thousand dollars.

As a compensation for the Arsenal keeper and powder receiver in Charleston, five hundred dollars.

As a compensation to the Arsenal keepers and powder receivers at Camden and Abbeville, fifty dollars each; and for the arsenal keepers and powder receivers for Georgetown and Beaufort, one hundred and fifty dollars each.

For the contract with the State Printer, a sum not exceeding fifteen hundred dollars.

As a compensation for the Pilot of the bar and harbour of Georgetown, three hundred and twenty-two dollars.

As a compensation to the Pilot of the bar and harbor of Beaufort, three hundred and twenty-two dollars.

For Annuities, two thousand five hundred dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary of the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

As a contingent fund subject to the Governor's draft, for the expenditure of which he shall submit an annual account, ten thousand dollars.

For the expenses of the Members of the Legislature at the present session of the Legislature, and pay of the Solicitors for their attendance, seventeen thousand dollars; if so much be necessary.

As a compensation to the two Doorkeepers of the Legislature, two hundred and fifteen dollars each.

As a compensation to two Messengers, each two hundred and fifteen dollars; to be paid at the adjournment of the legislature.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

For aid in supporting the transient poor in Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of

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Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller-general, and by him submitted to the legislature.

For the discharge of the contingent expenses of the upper division of the State, a sum not exceeding six thousand dollars.

For the discharge of the contingent expenses of the lower division, six thousand dollars.

For the salaries of two tutors in the South Carolina College, each six hundred dollars.

For the salary of the Professor of Chemistry in the South Carolina College, sixteen hundred dollars.

For the pay of the magazine guard, to consist of an officer, sergeant, and twenty-four men; to be paid by and under the direction of the comptroller-general, eight thousand dollars.

Professors in
College.

II. *And be it enacted* by the authority aforesaid, That the sum of six hundred dollars be, and the same is, appropriated to the professor of logic and moral philosophy; and that the sum of six hundred dollars be, and is hereby, appropriated to the professor of languages, in addition to what each of the said professors are already allowed out of the funds annually appropriated to the South Carolina College, agreeably to a principle established by the appropriation of the year eighteen hundred and twelve, of the like sums for that purpose.

Paper medium
to be burnt.

III. *And be it enacted* by the authority aforesaid, That the treasurer of Charleston, under the direction of the comptroller-general, in his presence and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, or in the presence of a majority of the persons above named, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State, now in the treasury, or that may be received previous to the next meeting of the Legislature, to be burnt: Provided, that the sum so burnt shall not exceed two thousand and sixty-one dollars; and the said treasurer is hereby required to report to the Legislature the amount of the medium which may be burnt pursuant to this Act.

Treasurer to
give two re-
ceipts.

IV. *And be it enacted* by the authority aforesaid, That the treasurer, on receiving any money from the tax collectors, or any other person, shall give him or her two receipts for the same; and in case any treasurer shall neglect to furnish any person with two receipts as aforesaid, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars; to be recovered in any court having jurisdiction thereof; and the comptroller general, upon information made to him, shall take the necessary measures to cause the same to be recovered.

Certain monies
vested in the
trustees of the
Chester Acad-
emy.

V. *And be it further enacted* by the authority aforesaid, That certain monies now in the hands of John McCreary, late sheriff of Chester district, amounting to one hundred and eighty-two dollars and ninety cents, part of the estate of Thomas Anderson, who lately died in the district aforesaid leaving no legal representatives known within the limits of this State, and the same shall be, and is hereby, vested in the trustees of the Chester Academy, in the district of Chester, for the promotion of the benevolent purposes of the said Academy, and for endowing and supporting the said Academy; any law, usage or custom to the contrary notwithstanding.

VI. *And be it further enacted* by the authority aforesaid, That the follow-

sums be, and they are hereby, appropriated to and for the following purposes, to wit :

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For repairing the court house in Columbia, five hundred dollars.

For the gaol of Spartanburgh, three hundred dollars.

For John Martin and John Hart, (witnesses in the case of the State against John Hughs for horse stealing,) each eight dollars; in the whole sixteen dollars.

For James Kenedy, a witness in the case of the State against John Ames, jr., for horse stealing, eighteen dollars, thirty-three and one-third cents.

For Robert McFaddin, as compensation for a negro who died in gaol while under sentence of death, one hundred and twenty-two dollars, forty-three cents.

For Nicholas Summers, as compensation for a negro executed, one hundred and twenty-two dollars, forty-three cents.

For repairing the court house and gaol of Darlington district, five hundred dollars.

For repairing the court house and gaol of Greenville district, one hundred and fifty dollars.

For William H. Wigg, as a remuneration for several articles impressed and paid for by him when commanding a detachment of the militia on Hilton Head, the last year, and for several expresses, sixty six dollars, eighty-seven and a half cents.

For the legal representatives of Peter Freneau, for printing in the year eighteen hundred and two, one hundred and forty-one dollars and four cents.

For John Norton, as a compensation for articles impressed, seventy-four dollars.

For David Rumph, late sheriff of Orangeburgh, whose accounts were examined the last session, and under paid, ten dollars.

For the assessor of Saint Philip's and Saint Michael's, as omitted by the legislature at their last session, one hundred and eighty dollars.

For Thomas William Price, for a negro executed, one hundred and twenty-two dollars and forty-three cents.

For John Hoff, when he shall deliver five hundred copies of the honorarium Judge Brevard's Digest of the Laws of this State, five thousand four hundred and thirty-two dollars.

For John Haley, as a compensation for the use of his wagon and team transporting the baggage of the second detachment of the twenty-second regiment of South Carolina militia to Slann's Bluff, forty-five dollars.

For Zebulon Rudolph, Steward of the South Carolina College, as a compensation for the board and glass tax of John Jones and John Farley, one hundred and sixty-seven dollars, forty-two cents.

For Henry McGowen, for board of the said John Jones and John Hart, during vacation, sixty-five dollars.

VII. *And be it enacted* by the authority aforesaid, That the appropriations of ten thousand dollars for the river Saluda, and which has not been drawn out of treasury, be, and the same is hereby, repealed. A former appropriation repealed.

VIII. *And be it enacted* by the authority aforesaid, That the treasurer of the lower division, under the direction of the comptroller-general, be, and he is hereby, directed, on the application of William Wightman, the fiscal administrator of the late Prince of Luxemburg, to issue to the said William Wightman, as administrator aforesaid, the sum of twenty-eight thousand eight hundred and ninety-four dollars, fifty cents, in stock of this State, bearing six per cent. interest, payable quarterly; and that upon the

Luxemburg debt to be paid.

A. D. 1814.

delivery of the said stock to the said William Wightman, administrator aforesaid, it shall be the duty of the treasurer, under the direction of the comptroller-general, to take from the said William Wightman as administrator aforesaid, a full, absolute and final discharge from and against all claims and demands, of every nature and kind whatsoever, which the estate of the said Prince of Luxemburg may have against the State of South Carolina, and to record the same in the office of the secretary of State.

For aid in supporting the transient poor in Beaufort, five hundred dollars—to be paid to the town council of Beaufort, who shall make an annual return on oath to the comptroller, and by him submitted to the Legislature the names and number of those relieved and sums appropriated to each individual.

For Willis Williford, thirty-five dollars, eighty-seven cents, the same being agreed to by the Legislature the last session and no appropriation made.

For Conrad Barsh, quarter-master of the 2d regiment, seventy-eight dollars, six cents.

That the sum of three hundred dollars be appropriated for the purpose of paying Jane Reardon fourteen years' arrears of pensions.

Asa Delozier's claim to be settled.

IX. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, authorized to settle the claim of Asa Delozier, in the manner and on the principles directed by a resolution of the Legislature in the year eighteen hundred and twelve.

X. *And be it further enacted* by the authority aforesaid, That the following sums be, and they are hereby, appropriated for military purposes.

For arms and munitions of war, seventy-five thousand dollars.

For the defence of the maritime frontier and coasting trade, fifty thousand dollars.

For rifles, to be made in the State, and contracted for by the Government, thirteen thousand dollars.

XI. *And be it further enacted* by the authority aforesaid, That thirty-seven thousand dollars be appropriated for the support of free schools.

Direct tax assumed.

XII. *And be it enacted* by the authority aforesaid, That this State will, and does hereby, assume the direct tax which shall be imposed by the United States on South Carolina, as its quota.

Bank to pay to the U. States \$260,000.

XIII. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, authorized, empowered and directed, forthwith to cause to be passed to the credit of the treasury of the United States, in the Bank of the State of South Carolina, the sum of two hundred and sixty thousand dollars, (as the supposed amount of this State's contingent of the direct tax,) and to apprise that officer of his having done so.

Deficiency to be made up.

XIV. *And be it enacted* by the authority aforesaid, That if the direct tax imposed by the United States on this State shall exceed the sum of two hundred and sixty thousand dollars, that it shall be the duty of the comptroller general, and he is hereby authorized and directed, to cause such excess to be passed to the credit of the treasury of the United States as soon as the same shall be ascertained.

To D. & J. J. Faust, for printing extracts from the journals of the Senate, two hundred and fifty dollars.

For Henry Funn, for a negro executed, one hundred and twenty-five dollars, forty-three cents, as recommended by a report of both houses.

And that the sum of seventy-three dollars, eighty-six cents, be, and the same is hereby, appropriated to William Hill, Jr. administrator of the estate of William Hill, deceased, for principal and interest of an indebtedness due said estate, as reported on by the comptroller general.

A. D. 1814.

For the repairs of the State House and fence, to be carried into effect by commissioners appointed by a resolution of the present session, six hundred dollars, if so much be necessary.

That the sum of one hundred and fifty dollars be, and the same is hereby, appropriated for repairing the court house of Newberry district.

For the payment of the detachment under Colonel Tucker, at Camp Alston, fifteen thousand dollars, if so much be necessary.

For Dr. William Hall, attending Darlington gaol, twenty-nine dollars.

For Dr. Derrel Hart, attending Orangeburgh gaol, fifty-three dollars, fifty cents.

For Dr. Joseph Kirkland, attending Magazine Guard, one hundred and sixty-one dollars, sixty-two cents.

For Dr. William Brown, for attending Barnwell gaol, nine dollars, twenty-five cents.

For Dr. James Moultrie, Jr. attending Charleston gaol, six hundred and six dollars, ninety-two cents and one half.

For Dr. John Hart, attending Edgefield gaol, sixty-six dollars seventy-five cents.

For Dr. Samuel Shanklin, attending soldiers in the service of the State, fifty dollars and fifty cents.

To Joseph Eastland, Esq. twenty-six dollars and twenty-five cents, for his services as an attorney in defending the commissioners of the poor for St. Matthew's parish, and the commissioners of the poor for Newberry district, in two suits brought against the said commissioners by the State, and in which two suits the State was nonsuited. The above account to be paid when the said bills shall be taxed and certified by clerks of the respective courts where the nonsuits were ordered, and delivered to the comptroller general.

To Daniel Cole, in full of his account for serving as an escort under the orders of Brigadier General Cuthbert, seventy-eight dollars forty-two cents.

For Wm. Branch, thirty-eight dollars, twenty-five cents, for waggon and supplies furnished militia.

For Murdock Murckison, eighty-six dollars, twenty-two cents, for services as quartermaster, waggon hire and supplies.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty-ninth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

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54. To stay proceedings against certain persons.612
55. Authorized to negotiate a loan, not to exceed \$500,000, for such sum as the Governor may think sufficient to support the Brigade of State troops.731
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57. For such trouble, he shall be paid two hundred dollars.734
58. To publish, in the Carolina Gazette, such of the Commissioners of Public Buildings, Inland Navigation, of the Poor, and of the Roads, as have not accounted at a certain time, and the Attorney General or Solicitors to proceed against them.632, 733

COMMISSARY GENERAL,

1. To draw on the Comptroller for \$10,000 at a time, and account for it before he draws again.670
2. To give bond for \$30,000, to be approved of by the Governor and Comptroller.670
3. To contract for munitions of war, but not to exceed \$60,000, unless with the approbation of the Governor.670
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1. To keep their offices open from 9 to 3 o'clock.161
2. Sundays, Christmas and 4th July, excepted.161
3. Master in Equity to hold his office for four years, and until another is elected.674
4. To give bond for ten thousand dollars, with good and sufficient sureties, to be approved of by the Commissioners to approve of Sheriffs's bonds; the Commissioners of Charleston, Georgetown and Beaufort, being excepted, who are to give the same security as heretofore.724
5. To hold their offices for four years, and until another is elected.674
6. Before entering upon the duties of his office to give bond for twenty thousand dollars.675

COMMISSIONERS OF INLAND NAVIGATION,

1. Commissioners for clearing, opening and rendering navigable, rivers, creeks, &c., to account annually, on oath, to the Comptroller, for funds received by them, the account to be laid before the Legislature, 535, 555, 587, 611, 631, 657, 685, 708

COMMISSIONER OF LOCATIONS,

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2. Such person to be appointed by the Governor as is recommended by a majority of the Delegation from his District.398
3. If the members fail to recommend any one, the Governor may commission any one he thinks fit.398
4. Hereafter to give bond only for one thousand dollars, with two sureties in five hundred dollars each.618
5. To hold their offices for four years, and until another is elected.674

COMMISSIONERS OF THE POOR,

1. Managers of elections for the Legislature, to open at the same time a poll for the election of five Commissioners of the Poor. All who vote for members to vote for Commissioners.175
2. Commissioners to have the oversight of education and relief of the poor in said election district, to demand and receive all gifts and legacies, all fines and forfeitures, or any other thing given to the use of the poor, and to maintain suits for the same.175

COMMISSIONERS OF THE POOR, (continued)

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4. Commissioners may bind out poor children as apprentices.176
5. Penalty on Commissioners refusing to serve.176
6. To assess and collect taxes to pay demands incurred before their appointment.287
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COMMISSIONERS OF PUBLIC BUILDINGS,

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COMMISSIONERS TO TAKE BONDS FROM SHERIFFS,

1. Likewise to take bonds from the Attorney General, Solicitors, Ordinaries, Tax Collectors, Clerks of Courts, Register and Commissioner in Equity, and transmit them to the Comptroller, who shall deposite them in the Treasurer's office of the Lower or Upper Divisions, according to the residence of the party.675

COMMISSIONERS OF ROADS,

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3. To hear and grant applications only at stated meetings and for one year.399
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10. This Act not to apply to persons retailing not less than one quart, distilled on his own plantation, of the growth of this State, and to be exported.401
11. Shall publish every year the account made to them by the Commissioners of the poor.557
12. To account annually to Clerk of the Court.588, 631, 657, 686, 708
13. Not to pay forfeiture, provided they have made returns at any subsequent time in each year.659

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3. The Governor commissions them. 17
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5. In case of vacancy by death, resignation, or refusing to act, during the recess of the Legislature, the Governor, with the advice and consent of Privy Council, to fill the vacancy, for the residue of the term. 18
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7. Each to choose a member to Congress. 85, 146, 212, 665
8. Elections held at same place and by same managers as elections to the Legislature. 85, 146, 213, 430, 665
9. Returns thereof to be made, under seal, by express agent, under oath, to the Governor in 20 days. 85, 146, 213, 214, 431, 665
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1. Persons confined on *Mesne Process*, or *Execution*, (provided the person on execution has not been in actual confinement above 40 days) may take the benefit of the "Insolvent Debtors Act," although bail may have been put in, or the defendant has not surrendered himself within 10 days after the arrest, or has not presented a petition within 40 days, or has not been actually confined 3 months, provided the other requisitions of the Act are complied with; and the justice of the Court whence the process issued, being satisfied that a just and fair account of his estate has been rendered. 79
2. Where Process is from Common Pleas, the schedule and surrender may be made before 3 nearest Justices of the Peace, who shall transmit such schedule to the Clerk of the Court of Common Pleas, without delay. 79
3. Any Prisoner on *execution*, who shall not give in such schedule, according to his bond, shall not be longer entitled to the prison rules, but his bond shall be forfeited and assigned to the plaintiff. 79
4. No prisoner shall be discharged without fully satisfying the *action* or *execution* on which he is confined, if since his confinement, and before he gave security as aforesaid, he has been seen without the prison walls, or if since his giving security he has been seen without the prison rules, without legal authority, or has spent more than 2s and 6d a day, or if he is confined on *Maihem*, wilful or malicious trespass, or voluntary or permissive waste or damage done to the freehold; or who shall have within 3 months before his confinement, or any time since, paid or assigned his estate, or any part thereof, to one creditor in preference to another, or fraudulently sold, conveyed or assigned his estate to defraud his creditors. 79, 80
5. Wherever a prisoner shall be accused by the plaintiff or his agent, of fraud, or of giving an undue preference to one creditor, or of having made a false return, or of having gone without the prison walls, or prison rules, the Judge or Justice may direct a Jury to be impannelled to determine the fact. 80
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7. If Sheriff shall refuse to shew prisoner to plaintiff or his attorney, after one day's notice to that effect in writing, shall be held an escape. 80
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5. Nuncupative Wills exceeding £10 to be proved by 3 witnesses. 107
6. Nuncupative Wills shall not be proved after six months, unless committed to writing within 6 days after spoken, and 12 months allowed for probate. 107
7. Not to be admitted to proof, unless the widow or next of kin are first called in, to contest it if they choose. 107

WILLS AND TESTAMENTS, (continued.)

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9. Proviso in favor of a soldier in actual service, and a mariner or seaman being at sea.107
10. Wills may be valid for personal and not for real estate.107
11. Children born after the death of the testator, if no provision is made for them, to receive an equal share.107
12. If any child die in lifetime of father or mother, leaving issue, any legacy given in the last will of such father or mother, shall go to such issue, unless such deceased child was equally portioned with the other children by the father or mother when living.107
13. If a person makes a will, then marries and dies leaving issue, it shall be regarded a revocation of the will.107
14. Where no executor is left in a will, or the executor refuses to qualify, letters of administration shall be granted with the will annexed, to such person as would be entitled in case of intestacy.107
15. In case of intestacy, county Court may grant administration, in such counties as have no Ordinaries, and the Ordinaries may in the other districts, where, if he had left a will, it would have been proved.108
16. Where testator has a mansion house, or known place of residence, his will shall be proved before the Ordinary or County Court, as the case may be, where such place of residence or mansion was.108
17. If no place of residence, the will shall be recorded in the district or county where the lands lie, if any are mentioned in the will, or in one of the districts, if lands lie in several.108
18. If there are no lands devised, nor place of residence, then the will shall be proved in the district or county where testator died or where the whole or greatest part of his estate shall be.108
19. When any will shall be proved, or letters of administration applied for, executors or administrators shall make out an inventory of the personal estate, the ordinary shall appoint 3 or more freeholders, who shall appraise the same on oath, which shall be returned to the ordinary in such time as he shall limit.108
20. If goods lie in several districts, the Court having jurisdiction shall order the appraisements and appoint the appraisers in each, which shall be transmitted to the Court where the will was recorded or administration granted.108
21. Every appraisement so made may be given in evidence against the Executor or Administrator, but shall not be conclusive.108
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23. When Executor or Administrator dies intestate, not having fully administered, the same Court by whom former probate or letters were granted, shall determine the right, and grant letters de bonis non.108
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25. Penalty on persons refusing to produce a will which they have in their possession.109
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27. Ordinary may order sale of property, or refuse it.109
28. Administrator or Executor, or their sureties, liable for taking insufficient sureties at their sales.109
29. Oath of Executor and Administrator with the will annexed.109
30. Form of their bond.109
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32. Form of his bond.110
33. Ordinary, or County Court Judge, neglecting to take bond, liable for damages arising from such neglect.110

WILLS AND TESTAMENTS, (continued.)

34. Ordinary, or Clerk of County Court, shall, every January or February, return to the Secretary of State's office, a list of all probates and administrations granted within the preceding year, with their date, names of testator or intestate, of the Executors or Administrators, and their sureties, and penalty of bond, to be there filed. 111
35. Slaves of a person who shall die after 1st March, in any year, who are employed in the crop, shall be continued on the lands occupied by deceased, until the crop is finished, and then to be delivered to those who are entitled to them in remainder or otherwise. 111
36. Such crop to be assets in the hands of the Executor or Administrator, taxes, overseer's wages, expenses of physic, food and clothing, being first paid. 111
37. Emblements of the lands, severed before last day of December following, likewise assets, &c. 111
38. But all emblements growing on the lands that day, or at death of testator or intestate, if after last December and before first March, shall pass with the lands. 111
39. If one hires slaves, or rents land of a tenant for life, who dies, he shall not be dispossessed before crop of that year is finished, the payment of rent or hire being secured. 111
40. Sureties of Administrator may petition to be discharged, and such order made as may give relief. 111
41. Debtor being made Executor, does not release or extinguish his debt. 111
42. Order in which debts of testator or intestate shall be paid. 111
 - 1st. Funeral and other expenses of the last sickness, and charges of probate and letters of administration.
 - 2d. Debts due the public.
 - 3d. Judgments, mortgages and executions, the oldest first.
 - 4th. Rent.
 - 5th. Bonds and other obligations.
 - 6th. And last, debts due upon open accounts.
43. No preference to be given to creditors in equal degree, where there is a deficiency of assets, except in cases of judgments, mortgages that shall be recorded, from the time of recording, and executions lodged in the Sheriff's office, the oldest to be paid first, and those cases where a creditor may have a lien on any particular part of the estate. 111
44. Executors or Administrators to give 3 weeks notice by advertisement in the State gazette, or 3 places of the most public resort in the parish or county, for creditors to render their demands, and shall be allowed twelve months to ascertain the debts due to and from the estate, to be computed from probate or letters. 111
45. Creditors neglecting to give in their claims in time prescribed, the Executor or Administrator not liable to make good the same. 111
46. No action to be commenced against Executor or Administrator, to recover debts due, until nine months after the death of testator or intestate. 112
47. Executors and Administrators annually to render in their accounts to the first Court of the County held (or Ordinary,) after the 1st January; return to be made to the same Court that granted probate, &c., and on oath. 112
48. If he neglects to make returns as required, not allowed commissions, and liable for damages. 112
49. Allowed 50s for every £100 they shall receive or pay away in debts, credits, legacies or otherwise, and in proportion for lesser sums; provided, that in letting out money upon interest, and again receiving it back, they shall not take or retain more than 20s for every £10, and in the same proportion for larger or lesser sums. 112
50. Shall not be allowed commissions for retaining any debt or legacy to themselves. 112
51. Commissions to be divided between Executors or Administrators, if they do not agree, by the Ordinary, in proportion to their respective services. 112
52. If a person not Executor or Administrator, possesses himself of the goods of another, he is liable as executor of his own wrong, and may be cited before the

